

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27291 of 2025

Arising Out of PS. Case No.-135 Year-2020 Thana- RANIGANJ District- Araria

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Anurag Kumar @ Anurag Kumar Mehta, S/o Suresh Mehta @ Suresh Kumar Mehta, R/o village-Hasanpur, Ward No. 8, at present village - Madhulata, P.S.- Raniganj, Distt.- Araria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 08-01-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Raniganj P.S. Case No.135 of 2020 registered under Sections 365 and 366 of the Indian Penal Code.

3. Allegation against petitioner is to kidnap the daughter of informant aged about 20 years for the purpose of illicit intercourse/marriage with another person.

4. It is submitted by learned counsel appearing for petitioner that during investigation, the daughter of informant was recovered and her statement was recorded under Section 164 of the Code of Criminal Procedure (in short 'CrPC'),



where she categorically stated that she left her parental home on her own and was in love with petitioner and she established physical relationship with petitioner under promise of marriage. It is submitted that as the love affairs of daughter of informant was not approved by him with petitioner, her marriage was solemnized with other person, with whom she is living happily, having one son.

5. Arguing further, it is submitted that the corporeal relationship under false pretext of marriage cannot be termed as rape. In support of his submission, learned counsel has referred the legal reports of Hon'ble Supreme Court as available through **Ansaar Mohammad vs. State of Rajasthan and Ors. [2022 SCC OnLine SC 886]** and **Pramod Suryabhan Pawar vs. State of Maharashtra and Anr. [(2019) 9 SCC 608]**.

6. Learned APP while opposing the prayer of anticipatory bail submitted that the allegation is specifically available against this petitioner.

7. In view of aforesaid factual submissions and by taking note of fact, as the allegation of kidnapping and rape



prima facie not appears convincing in view of statement of victim as recorded under Section 164 of the CrPC and also in view of legal reports, as mentioned aforesaid, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Araria in connection with Raniganj P.S. Case No.135 of 2020, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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