

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33017 of 2026

Arising Out of PS. Case No.-155 Year-2025 Thana- ARER District- Madhubani

Gauri Shankar Sahani S/o- Ram Chandra Sahani Village- Dhanga PS- Arer
Distt-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gudiya Kumari, D/O- Wakil Sahni R/O vill plus P.O.- Dhanga, P.S.- Arer,
District- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Namrata Mishra, Sr. Adv. Mr. Ratnakar Jha, Adv.
For the Opposite Party/s	:	Mr. Rajendra Singh, APP
For the O.P. No.2	:	Mr. Gagandeo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Rajesh Kumar, Adv. Mr. Udeshya Kumar, Adv. Mr. Rohit Kant Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

4 24-07-2026 Heard Mrs. Namrata Mishra learned senior counsel assisted by Mr. Ratnakar Jha, learned counsel, appearing on behalf of the petitioner, learned Additional Public Prosecutor for the State and, as also, Mr. Gagandeo Yadav, who represents the O.P. No.2.

2. The petitioner is apprehending his arrest in connection with Arer P.S. Case No. 155 of 2025 dated 12.07.2025 registered for the offence punishable under Section/s 64, 318(4), 61(2), 352, 351(2) & 3(5) of the B.N.S., 2023.

3. As per the prosecution case, the accusation against the



petitioner is of committing rape upon the Informant/victim girl on the pretext of marriage.

4. Pursuant to the notice issued to the O.P. No.2 vide order dated 13.05.2026, the O.P. No.2 is represented by Sri Gagandeo Yadav, who submits that on the false pretext of marriage, the petitioner continued to establish physical relationship with the Informant for last six years.

5. Admittedly, upon perusal of the allegations made in the F.I.R., it appears that the petitioner is aged about 26 years and was fully aware of the consequences of the relationship. It is further evident that the petitioner and the informant had remained in a relationship for the last two years and merely on account of certain bitterness having arisen between them, the relationship, which continued for a considerable period in a cordial manner, cannot be termed as rape, particularly in view of the judgment rendered by the Hon'ble Apex Court in the case of *Jaspal Singh Kaural Vs. The State of NCT of Delhi & Anr.*, reported in 2025 INSC 457.

6. Learned APP for the State and the O.P. No.2 oppose the prayer for grant of anticipatory bail.

7. Having having learned counsel for the parties and taking into account the fact that the relationship which



continued for last two years in good environment cannot be termed to be rape in view of the judgment rendered by the Hon'ble Apex Court in the case of **Jaspal Singh Kaural** (supra) and, as also, the petitioner having no criminal antecedent, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Benipatti (Madhubani) in connection with Arer P.S. Case No. 155 of 2025, subject to the condition as laid down under Section 482(2) of the B.N.S.S. as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner who shall provide official document / personal affidavit to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing



which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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