

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32017 of 2025**

Arising Out of PS. Case No.-305 Year-2024 Thana- TARAPUR District- Munger

Arsalan @ Md. Arsalan S/O Md. Saifuddin @ Saifuddin R/O vill.-  
Ibrahimpur, Gajeeपुर, P.s.- Tarapur, Dist.- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Asiya Begum W/O- Md. Pervez R/O- Vill- Ibrahimpur, Gajipur, P.S.-  
Tarapur, District- Munger

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Md.Najmul Hodda, Adv.  
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP  
For the Informant : Mr. Sitanshu Shekhar Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

7      06-01-2026      Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Tarapur P.S. Case No. 305 of 2024 registered for the offences punishable under Sections 69 of BNS.

3. The allegation against petitioner is to establish physical relationship with daughter of the informant on false pretext of marriage.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the victim was major at



the time of occurrence and the relationship was consensual, however, it is fairly considered that same attract an offence under Section 69 of the BNS. It is submitted that victim while recording her statement under Section 183 of BNSS categorically stated that she out of her own consent established relationship with petitioner. While concluding arguments, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by Mr. Sitanshu Shekhar Singh learned counsel for the informant while opposing the prayer of bail submitted that the offence alleged is a distinct offence introduced first time through BNS. It is submitted that the consent is not a material aspect to consider as same was obtained by deceitful means under the garb of false promise of marriage. It is pointed out that aforesaid fact was duly supported by victim while recording her statement under Section 183 of BNSS.

6. In view of aforesaid factual submission and by



taking note of fact as the occurrence as alleged duly supported by victim while recording her statement under Section 183 of BNSS, that petitioner established relationship with her on false pretext of marriage, accordingly, the prayer of anticipatory bail of above-named petitioner stands **rejected**.

(Chandra Shekhar Jha, J)

Sudha/-

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