

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33840 of 2026

Arising Out of PS. Case No.-323 Year-2025 Thana- BELHAR District- Banka

Pawan Kumar S/O Sikandar Yadav R/O Vill.- Choura P.S.- Belhar , Dist.
Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s: Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 20-05-2026 Heard learned counsel for the petitioner and
learned APP for the State through virtual mode.

2. The petitioner is apprehending his arrest in connection with Belhar P.S. Case No. 323 of 2025 for the offence punishable under Sections 69 of the BNS lodged on 21.12.2025.

3. The prosecution case, as per the FIR, in brief, is that the informant was allegedly subjected to sexual relationship by the petitioner on several occasions on the false promise of marriage and when she insisted upon marriage, the petitioner along with his family members refused to solemnize the same.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to personal grudge and has not committed any offence as alleged



in the FIR. It is submitted that initially the petitioner and the informant were in a love relationship, but subsequently the informant decided to marry another person. After about three months of her marriage, some bitterness arose between them and upon returning from her matrimonial house, the present false case has been instituted alleging that physical relationship was established on the false promise of marriage. It is further submitted that the informant herself had withdrawn from the relationship existing between them and had voluntarily chosen to marry another person. It is also submitted that the informant is a major and now a married woman and was fully aware of the consequences of her actions. The relationship, if any, was consensual in nature and cannot legally be brought within the ambit of rape. Learned counsel further submits that no false promise of marriage was ever made by the petitioner. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned counsel for the petitioner, at this stage, referring to the various judgment rendered by the Hon'ble Supreme Court in the case of *Ansaar Mohammad v. The State of Rajasthan & Anr* passed in **Criminal Appeal No. 962 of 2022 @ SLP (CRL) No. 5326 of 2022**, *Naim Ahamed v. State (NCT of Delhi)* reported in **2023 SCC OnLine SC 89** and *Amol*



Bhagwan Nehul v. State of Maharashtra & Anr. reported in ***2025 SCC OnLine SC 1230*** submits the Hon'ble Apex Court in the aforementioned cases has held that the girl who alleged to have established physical relationship with a person on the promise of marriage is always aware of the consequences and while being aware of such consequences, if such acts are committed, then no criminality could be found out in such relationship, which has been established with consent and both the informant as well as the petitioner are said to be major and are well aware of the consequences.

6. On the other hand, learned APP vehemently opposes the prayer for anticipatory bail of the petitioner

7. Considering the aforesaid submissions of the parties and taking note of the fact that both the victim and the petitioner are major persons and the relationship appears to have been consensual in nature, and further considering the law laid down by the Hon'ble Supreme Court in the aforesaid decisions, this Court is inclined to extend the privilege of anticipatory bail to the petitioner.

8. Let the petitioner, above named, be released on bail, in the event of arrest or surrender within a period of four weeks, from the receipt of this order, on furnishing bail bond of



Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner who shall provide official document 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

(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 her bail bonds.

(Ajit Kumar, J)

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