

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37762 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- ARA NAWADA District- Bhojpur

Rajiv Gupta @ Rajiv Ranjan Prakash @ Rajeev Gupta @ Rajeev Ranjan
Prakash S/O Krishna Gupta @ Kirishn Gupta@ Krishna Kumar Gupta R/O
Village- K.G. Road, Ara, P.S- Nawada, Distt.- Bhojpur. Petitioner/s
Versus

1. The State of Bihar.
2. Sweta Kumari, D/O Late Rajendra Prasad R/O Village- Jharia Bakri Haat,
P.S- Jharia, Distt.- Dhanbad (Jharkhand).
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Sr. Advocate
Mr. Manish Kumar Singh, Advocate
For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 22-01-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in

connection with Nawada (Ara) P.S. Case No. 108 of 2025

registered for the offences punishable under Sections 81, 115(2),

118(2), 3(5) of Bhartiya Nayay Sanhita 2023.

3. As per FIR, petitioner alleged to establish physical

relationship with the informant for long four years since their

acquaintance with each other while travelling first time in train in

2021 while she was 20 years. Informant at the time of lodging FIR

was 23 years old. It is alleged that during aforesaid period

informant visited with petitioner to Dhanbad and other places and



developed friendship, out of which physical relationship was established, suddenly in between, the parents of petitioner fixed his marriage somewhere else and when this matter came to knowledge of the informant, the present false case was lodged.

4. It is submitted by Mr. Rajesh Kumar Singh, learned senior counsel appearing on behalf of the petitioner that from the bare perusal of FIR, it can be gathered safely on its face itself that no promise for marriage was ever made by this petitioner before entering into physical relationship. It is pointed out that when on one occasion, petitioner disclosed to the informant that his marriage was fixed by his parents, the complainant reacted in the manner which surfaced in the form of allegation as available through present FIR. It is submitted that the informant was so desperate to solemnize her marriage with this petitioner that she made an attempt to commit suicide after consuming poison in front of the house of this petitioner, the occurrence for which petitioner and his family forced to call the police.

5. Arguing further, it is submitted by Mr. Singh that the informant earlier lodged a complaint case *qua* occurrence in Dhanbad, which was subsequently withdrawn and, therefore, making present FIR after four long years is only suggesting the oblique motive of the informant. It is submitted that even



thereafter the father of the informant and informant herself retracted from her own earlier version *qua* allegation of committing rape.

6. It is further argued by Mr. Singh that any corporeal relation as alleged to be established by petitioner is totally denied, but it is submitted that presuming even there was physical relationship which was completely consensual in nature without any promise cannot be termed as rape. In support of his submission, Mr. Singh submitted that the corporeal relationship even on false pretext of marriage cannot be termed as rape and in support of his submission he relied upon the legal report of Hon'ble Supreme Court as available through ***Ansaar Mohammad Vs. State of Rajasthan and Another*** reported in ***2022 SCC OnLine SC 886***.

7. Learned APP opposed the prayer of bail.

8. Learned counsel for the informant failed to join the proceedings.

9. In view of aforesaid factual submissions and by taking note of fact as FIR itself suggest *prima facie* that the informant was in consensual physical relationship with petitioner without any promise of marriage, accordingly, above named petitioner, in the event of his arrest or surrender before the



learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Bhojpur at Ara/concerned Court, where the case is pending in connection with Nawada (Ara) P.S. Case No. 108 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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