

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40866 of 2026

Arising Out of PS. Case No.-592 Year-2025 Thana- PURNEA SADAR District- Purnia

Md. Majid @ Majid S/o Md. Shakeel Uddin @ Kariya R/o Village - Bishahri,
P.S - Baisi Nagar, District - Purnia

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ms. X (Victim) D/o Mr. Y Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kushal

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Sadar P.S. Case No. 592/2025 registered for the offences punishable under Section 64 of the BNS.

3. The allegation against petitioner is to establish physical relationship on several occasions on false pretext of marriage.

4. It is submitted by learned counsel appearing on behalf of the petitioner that the FIR was lodged for the offence of rape, whereas upon facial perusal of complaint petition it can gathered safely that present is a case of consensual physical relationship on false pretext of marriage. It is submitted that petitioner was in relationship for long four years and when certain dispute surfaced between them, present false case was lodged supplying reasons that physical relation was established on false pretext of marriage. It is submitted that corporeal relation on false pretext of marriage is not



amounting to rape, in support of his submission learned counsel relied upon the legal reports of Hon'ble Supreme Court as available through **Pramod Suryabhan Pawar Vs. State of Maharashtra and Another [(2019) 9 SCC 608] & Ansaar Mohammad Vs. State of Rajasthan and Another, [2022 SCC OnLine SC 886]**.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as admittedly complainant/informant was in relationship for 4 long years, prior to lodging of this FIR, which prima-facie negates allegation of rape, in view of legal ratio as discussed aforesaid, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 ACJM, 1st Class, Purnia/concerned Court, where the case is pending in connection with Sadar P.S. Case No. 592/2025, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

S.Tripathi/-

U		T	
---	--	---	--

