

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41000 of 2026**

Arising Out of PS. Case No.-281 Year-2025 Thana- DARPA District- East Champaran

Chandan Kumar, S/o Ramesh Rai @ Raghunath Rai, R/o Village - Rampur,  
P.S. - Darpa, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Dhannjay Kumar II, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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

2      25-06-2026                      Heard learned counsel for the petitioner and  
  
learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Darpa P.S. Case No.281 of 2025 registered under Sections 64 read with 3(5) of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. As per FIR, the petitioner was alleged to establish physical relationship with informant aged about 16 years on false pretext of marriage, where informant alleged that she was in relationship with petitioner since 2022.

4. It is submitted by learned counsel appearing for petitioner that narration of FIR suggest maximum establishment of physical relationship by deceitful means on



false pretext of marriage and, as thus, lodging the FIR for the offence under Section 64 of the BNS is just to harass the petitioner and entire family members, who were also made accused with present crime in question. It is submitted that the allegation of rape is not appears convincing for the reason that admittedly the informant was in relationship with petitioner. It is submitted that the corporeal relationship cannot be termed as rape. In support of his submission, learned counsel has relied upon legal reports of Hon'ble Supreme Court as available through **Pramod Suryabhan Pawar vs. State of Maharashtra and Anr. [(2019) 9 SCC 608]** and **Ansaar Mohammad vs. State of Rajasthan and Ors. [2022 SCC OnLine SC 886]**. The petitioner claimed clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that the allegation *qua* establishing physical relationship is specifically available against this petitioner.

6. In view of aforesaid factual submissions and by taking note of fact as the FIR was lodged for the offence punishable under Section 64 of the BNS i.e. rape, whereas



the allegation as set out through FIR, suggest *prima facie* that it is a case of consensual relationship, as admittedly the informant was in relationship with petitioner since 2022, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., Raxaul at Motihari, East Champaran in connection with Darpa P.S. Case No.281 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

(Chandra Shekhar Jha, J.)

Sanjeet/-

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