

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41988 of 2026

Arising Out of PS. Case No.-312 Year-2025 Thana- BARARI District- Katihar

Md. Safi Akhtar S/O Shamim Akhtar R/O Bakiya Sukhai @ Bakiya Diyara,
PS- Barari, Distt- Katihar

... .. Petitioner

Versus

The State of Bihar Patna

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-07-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Barari P.S. Case No. 312 of 2025 registered for the offences punishable under Sections 64(1), 351(2), 351(3) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. As per FIR, petitioner, who is aged about 25 years alleged to commit rape upon the informant aged about 18 years old on first instance and, thereafter, on several occasion, on the false pretext of marriage, but finally he solemnized marriage with another girl. It is alleged that petitioner threatened the informant to make the photos/videos viral, which were captured for their private moments.

4. Learned counsel appearing on behalf of the petitioner



submitted that allegation as raised through present FIR maximum suggest that consent of the informant was obtained by deceitful means and therefore, lodging of FIR for the offences punishable under section 64 of the B.N.S. for the offence of rape is not convincing under the law.

5. It is pointed out that impugned order suggest that naked photographs of the victim made viral on Instagram on 04.09.2025, but the FIR, which was lodged on 06.10.2025 suggest only that a threat was advanced to make video/photo viral, suggesting sufficiently that till the date of lodging FIR, no such allegation was available to make the video/photo viral, making the allegation doubtful on its face.

6. Arguing further, it is submitted that corporeal relationship against the promise of marriage cannot be termed as rape and in support of this submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Ansaar Mohammad Vs. State of Rajasthan and others** reported in **2022 SCC Online SC 886** and also **Pramod Suryabhan Pawar Vs. State of Maharashtra & Anr.** reported in **(2019) 9 SCC 608**. Petitioner claimed clean antecedent.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.



8. In view of the aforesaid factual submissions and by taking note of the fact as *prima facie* allegation of rape appears raised against the petitioner in the background of false promise of marriage, where allegation to make the video/photo viral is also appearing doubtful, as discussed aforesaid, accordingly, above-named petitioner, who is a man of clean antecedent, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar/concerned court in connection with Barari P.S. Case No. 312 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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