IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41647 of 2026
CNR No. BRHC010592012026
Arising Out of PS. Case No.-46 Year-2025 Thana- MAHILA P.S. District- Madhubani

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Raushan Kumar Das @ Raushan Kumar son of Madan Das Resident of Village- Arer Durga Mandir,P.S.- Patauna, Dist- Madhubani

... ... Petitioner/s

Versus

1. The State of Bihar
2. X, D/O-Sri Shobhit Das R/O-Arer Durga Mandir, P.S.- Patauna, District- Madhubani

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP
For the Informant : Mr. Shailendra Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

5 19-11-2026 Heard the parties.

2. The petitioner seeks bail in connection with Madhubani Mahila P.S. Case No. 46 of 2025 registered for the offence under Sections 126(2), 115(2), 137(2), 87, 64, 352, 351(2), 351(3) and 3(5) of the B.N.S., 2023.

3. The petitioner is named in the F.I.R. and is in custody since 23.04.2026.

4. The allegation against the petitioner is to commit rape upon the informant aged about 20 years on false pretext of marriage. Subsequently, allegation also raised as not to fulfilled the demand of dowry of Rs. 10 lakhs.

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5. It is submitted by learned counsel for the petitioner that the informant was married at the time of occurrence and it can be gathered safely out of her statement recorded under Section 183 of the B.N.S.S. that she was living together with petitioner as wife and husband at Pune and in view of this matter, the allegations of committing rape appears non-convincing. It is submitted that corporeal relationship on false pretext of marriage cannot be treated as 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 Ors. [2019 9 SCC 608]*** and ***Ansaar Mohammad vs. State of Rajasthan and Ors. [2022 SCC OnLine SC 886]***.

6. While concluding the argument, it is submitted that investigation of this case has already been completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

7. Learned APP duly assisted by learned counsel

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appearing for the informant, while opposing the prayer of bail submitted that the relationship was established on false pretext of marriage.

8. In view of aforesaid factual submission and by taking note of fact as the allegations prima facie suggesting consensual relationship in the background of promise of marriage, creating a doubt qua allegation of committing rape upon the informant, coupled with fact that charge-sheet has already been submitted, wherein petitioner being man of clean antecedent remains in custody since 23.04.2026, accordingly, petitioner above-named, is directed to be released on bail in connection with Madhubani Mahila P.S. Case No. 46 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

Anjali/-

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