

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43815 of 2026

Arising Out of PS. Case No.-81 Year-2025 Thana- GHURNA District- Araria

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Faisal Ahmad @ Md. Faisal Son of Habibur Rahman Resident of Village-
Babuan, Ward No. 12, P.S.- Ghurna, District- Araria, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate.

For the Opposite Party/s : Mr.Jharkhandi Upadhyay, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-07-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Ghurna P.S. Case No. 81 of 2025 registered for the offence(s) punishable under Sections 126(2), 115(2), 64(1), 352, 351(3) and 3(5) of BNS.

3. As per the allegation made in the FIR, petitioner made physical relation with the informant on the false promise of marriage, and, thereafter, refused to marry.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is aged about 20 years and the informant is aged about 19 years and from perusal of the F.I.R., it is apparent that both the parties being major were in a consensual relationship, during which they voluntarily entered



into physical relationship, it cannot be said to be induced or involuntarily. Learned counsel relying upon the law laid down by the Madras High Court in the case of *Vijayalakshmi & Anr. vs. State Rep. by the Inspector of Police & Anr.* reported in (2021) SCC OnLine Mad 317 further submitted that the petitioner has just emerged as an adult being aged about 20 years and the victim is aged about 19 years and at this stage, natural attraction for the opposite sex cannot be denied coupled with the several psychological and physiological change a person undergoes. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. The Apex Court has observed that “the complainant was very much capable of understanding the consequences of her action and if the relationship is not working out, the same cannot be ground for lodging an F.I.R for the offence under Section 376 of I.P.C” in case of *Naim Ahmed Vs. State (NCT of Delhi)*, reported in 2023 SCC Online SC 89 and in the case of *Sonu @ Subash Kumar Vs. State of Uttar Pradesh & Anr.*, reported in 2021 AIR SC 1405.

7. Considering that the petitioner is aged about 20



years and the victim girl is 19 years old and they were in a consensual relationship during which they entered into physical relationship, I find that the learned District Court must reconsider to pass fresh order by applying the principles laid down in the case of *Naim Ahmed (supra)* and *Vijayalakshmi (supra)* without being prejudiced by any observation made in the present order and the impugned order.

8. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

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