

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43083 of 2026

Arising Out of PS. Case No.-8 Year-2026 Thana- MAHILA P.S. District- Siwan

Mutun Ram @ Mintu S/o Lal Mohan Sharma Resident of Village- Kothheya
@ Kotea, P.S.- Jalalpur, District- Saran at Chapra, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX Resident of Village and Post- Chitanpur, P.S.- Asaw, District- Siwan
At Present Resident of House of Late Uday Pratap Singh, Near Laxmi
Nursing Home, P.O. and P.S.- Siwan Town, District- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Dr. Alok Kumar Sinha, Advocate
For the State	:	Mr. Rajiv Nayan, APP
For the Informant	:	Mr. Utpal Kant, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-07-2026 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case

registered for the offence punishable under Section 69 of the

B.N.S..

3. The prosecution case, in brief, is that informant,

who is working as a Community Coordinator, came in contact

with this petitioner and on the false pretext of marriage, he

established physical relations with the informant and later on,

refused to solemnize marriage. Thereafter, the



informant/Opposite Party No. 2 lodged Mahila P.S. Case No. 34 of 2025 against the petitioner in which the petitioner was arrested and sent to jail, however, upon pressure by the family members of this petitioner, the case was compromised on the assurance that this petitioner will solemnize marriage with the informant. Consequent to the compromise, petitioner was released on bail and on 27.09.2025, he came to the room of informant and on the false pretext of marriage, he again forcibly established physical relations with the informant due to which she became pregnant and later on, refused to marry her.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. The entire prosecution case, as set out in the F.I.R., is out and out false, fabricated and concocted. Even as per prosecution case, the alleged occurrence took place on 27.09.2025 whereas the present F.I.R. has been lodged after inordinate delay of 115 days on 21.01.2026 and there is no plausible explanation for the same which itself makes the entire prosecution case doubtful. As a matter of fact, from bare perusal of the F.I.R. it is apparent that both parties knew each other



since long and with the passage of time, relationship developed. At the time when the relationship developed, both of them were major and were fully aware of the consequences of such a relationship. The relationship was consensual between two consenting adults and both of them enjoyed each others company for a long period of time. It is further submitted that only because the relationship could not continue and failed, the same does not amount to rape. Rest of the allegations are ornamental in order to make the case grave. It is lastly submitted that informant has lodged two different F.I.Rs. with the same set of allegations.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that on the false pretext of marriage, this petitioner forcibly established physical relations with the informant due to which she became pregnant and later on, refused to solemnize marriage.

6. Considering the rival submissions advanced on



behalf of learned counsel for the parties and the fact that from bare perusal of the prosecution case it is apparent that at the time when the relationship developed between the parties, both of them were major and enjoyed each others' company for a long period of time, the same cannot be said to be inducted or involuntary, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Mahila P.S. Case No. 08 of 2026, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

shashank/-

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

