

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59805 of 2024

Arising Out of PS. Case No.-237 Year-2024 Thana- SIKARPUR District- West Champaran

Parvej Alam S/O Sagir Miyan R/O Village- Shivganj, Ward No. 7, P.S-
Shikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X (Symbolic name of the mother of the so called Victim) W/O Bhikhar Ansari @ Naimuddin Ansari R/O Village- Shivganj, Ward No. 7, P.S- Shikarpur, Dist.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-02-2026 Heard the parties.

2.The petitioner is named in the F.I.R. and apprehending his arrest in connection with Shikarpur P.S. Case No. 237 of 2024 registered for the offences punishable under Sections 341, 323, 376, 504, 34 of IPC and u/s 4 and 6 of POCSO Act.

3. The allegation against petitioner is to establish physical relationship with minor daughter of the informant/O.P. No. 2 on false pretext of marriage.

4. Learned counsel appearing on behalf of the



petitioner submitted that admittedly relationship was established out of consent. It is pointed out that victim found between age group of 17-18 years and as due to certain reasons when marriage of petitioner could not solemnize with victim the present false allegation was raised against him. It is submitted that corporeal relation on false pretext of marriage is not amounting to rape, in support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Pramod Suryabhan Pawar Vs. State of Maharashtra and Another [(2019) 9 SCC 608] & Ansaar Mohammad Vs. State of Rajasthan and Another [(2022) SCC OnLine SC 886]***. While concluding argument, it is submitted that petitioner claimed clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission and by taking note of fact as allegation of rape appears to be raised on false pretext of marriage, accordingly petitioner



above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge 7th cum Special Judge, POCSO, Bettiah, West Champaran /concerned Court, where the case is pending in connection with Shikarpur P.S. Case No. 237 of 2024, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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