

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68577 of 2024

Arising Out of PS. Case No.-196 Year-2024 Thana- SUGAULI District- East Champaran

1. Manju Devi Wife of Vikash Prasad Resident of Village- Sugauli Devan Chowk, Ward No 6, P.S. -Sugauli District -Motihari At East Champaran
2. Vikash Prasad son of Late Kuwar Pd. @ Karu Prasad Resident of Village- Sugauli Devan Chowk, Ward No 6, P.S. -Sugauli District -Motihari At East Champaran
3. Ravi Raushan Kumar son of Vikash Prasad Resident of Village- Sugauli Devan Chowk, Ward No 6, P.S. -Sugauli District -Motihari At East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Singh, Sr. Advocate Mr.Rudrank Shivam Singh, Advocate
For the Opposite Party/s :		Mrs.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-02-2026 Heard Mr. Sanjay Singh, learned senior counsel for

the petitioners and learned APP for the State.

2. The accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Sugauli P.S. Case No. 196 of 2024 registered for the offences punishable under Sections 376, 313, 314/34 of the Indian Penal Code.

3. As per FIR, petitioners alleged to commit rape upon the informant on false pretext of marriage who is a married lady aged about 25 years and also mother of two childrens. Allegation of abortion is also available against petitioners.



4. Mr. Sanjay Singh, learned senior counsel appearing on behalf of the petitioners submitted that from perusal of face of FIR itself, it can be gathered safely that the informant is a married lady and she herself deserted her husband. It is pointed out that petitioners helped informant on several occasion and out of that she developed some inclination towards son of petitioner no.1 and 2 and therefore, forced to solemnize her marriage with their son. It is submitted that petitioners are parents and brother of main co-accused, namely, Raj Raushan Kumar.

5. It is submitted that subsisting the first marriage, forcing the son of petitioner no. 1 and 2 for marriage or to alleged that relationship was established under false promise of marriage is not appears convincing.

6 Mr. Singh further submitted that it is a matter of extra marital affairs.

7. Arguing further, it is submitted by Mr. Singh that any corporeal relations as established on the false pretext of marriage cannot be termed as rape and in support of his submission, he 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**.

8. Learned A.P.P. while opposing the prayer of anticipatory bail of the petitioner could not disputed the aforesaid factual and legal submissions as advanced by Mr. Singh.

9. In view of the aforesaid factual submissions and by taking note of the fact as subsisting first marriage, allegation of informant to establish physical relationship with son of petitioner no. 1 and 2 under false promise of marriage *prima facie* appears not convincing, accordingly, above-named petitioners, in the event of their 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 Judicial Magistrate - 1st Class, East Champaran, Motihari/concerned court in connection with Sugauli P.S. Case No. 196 of 2024, 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.”).

Rajeev/- **(Chandra Shekhar Jha, J)**

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