

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70945 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- MAHILA PS District- East Champaran

Arun kumar, aged about 22 years (M), S/o Devilal Baitha Resident of village
- Ajgari (Chudiharwa Tola), P.S - Banjariya, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Seema Kumari, aged about 21 years (F), D/o Late Jangbahadur Baitha
Resident of village - Ajgari (Chudiharwa Tola), P.S - Banjariya, District -
East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Ms.Renuka Ratnakar(App125)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-02-2026 Heard Mr. Abhishek Kumar, learned counsel

appearing on behalf of the petitioner and Ms.Renuka Ratnakar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Mahila P.S. Case No. 62 of 2025 registered for the
offence(s) punishable under Sections
127(1),115(2),69,351(2),352,3(5) of the BNS.

3. As per the allegation made in the FIR, the
petitioner on the pretext of marriage has committed rape with
the informant and also aborted her pregnancy.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely



been implicated in the present case. From perusal of the FIR, it is apparent that both parties were in relationship for quite some time and enjoyed each other's company for years together and when the relationship developed, both the parties were major. The relationship was consensual. In this regard, he has placed reliance upon a judgment of the Apex Court in case of **Naim Ahmed Vs. State (NCT of Delhi)**, reported in **2023 SCC Online SC 89**. Petitioner has clean antecedent.

5. Learned counsel appearing on behalf of the informant and learned APP appearing on behalf of State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, it is evident that the petitioner and informant were in relationship for quite some time and enjoyed each other's company for years together and when their relationship deteriorated, the informant lodged the present FIR. In light of law laid down by the Apex Court in case of **Naim Ahmed (Supra)**, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender



before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge, Exclusive Special Judge (Rape and POCSO Cases), East Champaran, Motihari / Concerned Court in connection with Mahila P.S. Case No. 62 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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