

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78160 of 2025

Arising Out of PS. Case No.-236 Year-2025 Thana- JAYNAGAR District- Madhubani

Md. Kalam S/o- Md. Manjoor R/v- Baldhiha, W.No-1, Ps- Jaynagar Dist-
Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o- Y R/v- Baldhiha W.No-1, Ps- Jaynagar Dist- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Gagan Deo Yadav, Advocate Mr. Ravi Prakash, Advocate
For the State	:	Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 21-04-2026 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 64, 115(2), 110, 352, 351(2) and 3(5) of the B.N.S. and Sections 4 and 6 of the POCSO Act.

3. As per prosecution case, it is alleged that this petitioner established physical relations with the informant on the pretext of marriage and thereafter, refused to solemnize marriage.



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 and both of them enjoyed each others company for two long years. It is further submitted that only because the relationship could not continue and failed, the same does not amount to rape. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific accusation that on the pretext of marriage, he established physical relations with the informant on various occasions and thereafter, refused to solemnize marriage. The victim in her statement recorded under Section 183 of the B.N.S.S. has supported the prosecution case. The learned trial court has assessed the age of victim as 16 years.

6. Considering the facts and circumstances of the case, specific and direct nature of accusation, gravity of offence, statement of the victim recorded under Section 183 of the B.N.S.S. and age of the victim, the prayer for grant of



anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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