

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80594 of 2025

Arising Out of PS. Case No.-288 Year-2025 Thana- SHERGHATI District- Gaya

Roshan Kumar S/o Manoj Kumar (Wrongly referred as Mahendra in F.I.R.)R/O Vill.- Purani Chatti, Ward no. 12, P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Saloni Kumari D/o Sanjay Saw R/o Vill and Post- Shyam Nagar Nisa, P.S.- Barahbigha, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ayush Kumar, Advocate. Mr. Avinash Kumar, Advocate.
For the Opposite Party/s	:	Mr. Ajit Kumar, APP.
For O.P. No.2	:	Mr. Sanjay Prakash Verma, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 04-05-2026 Heard learned counsel appearing on behalf of the petitioner, learned APP for the State and learned counsel for the O.P. No.2.

2. The petitioner seeks pre-arrest bail in connection with Sherghati P.S. Case No. 288 of 2025 registered for the offence(s) punishable under Section 69 of BNS.

3. As per the allegation made in the FIR, petitioner made physical relation with the informant on the false promise of marriage, and, thereafter, refused to marry.

4. Learned counsel appearing on behalf of the petitioner submitted that when the relationship developed between both the parties, they were major. From perusal of the



F.I.R., it is apparent that both the parties were in relationship for quite some time and enjoyed each other's company for months together and indulged in sexual act and as such, it cannot be said to be induced or involuntarily. The relationship was consensual. Petitioner has got clean antecedent.

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

6. The Apex Court has observed that "the complainant was very much capable of understanding the consequences of her action and if the relationship is not working out, the same cannot be ground for lodging an F.I.R for the offence under Section 376 of I.P.C" in case of *Naim Ahmed Vs. State (NCT of Delhi)*, reported in *2023 SCC Online SC 89* and in the case of *Sonu @ Subash Kumar Vs. State of Uttar Pradesh & Anr.*, reported in *2021 AIR SC 1405*.

7. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the F.I.R. and the law laid down by the Apex Court, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sherghati, Gaya in connection with Sherghati P.S. Case No. 288 of 2025, subject to the condition as laid down under Section 438(2) Cr.P.C / 482(2) BNSS.

8. The 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 Para-3 of the bail petition, this order will automatically lose its force.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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