IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82269 of 2026

CNR No. BRHC011196172026

Arising Out of PS. Case No.-240 Year-2026 Thana- KASBA District- Purnia

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Md. Abuzar Son of Mojib Alam @ Mojib Resident of Village- Kadwa, P.S.- Kasba, District- Purnea

... ... Petitioner

Versus

1. The State of Bihar
2. XXX D/o YYY Resident of Village- Dumari, Ward No. 13, P.S.- Kasba, District- Purnea

... ... Opposite Parties

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Appearance :
For the Petitioner : Mr. Amit Kumar Anand, Adv.
For the Informant(OP No. 2): Mr. Bijendra Kumar Singh, Adv.
Ms. Trisha, Adv.
For the State : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Kasba P.S. Case No.240 of 2026 registered for the offences punishable under Sections 126(2), 115(2), 69, 74 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (for short 'B.N.S.').

3. The petitioner is named in the FIR and is in custody since 21.07.2026.

4. As per FIR, the informant aged about 23 years raised the allegation against petitioner as to establish

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physical relationship on 24.05.2026 on false pretext of marriage.

5. It is submitted by learned counsel appearing for the petitioner that admittedly as per FIR, the informant was in relationship with this petitioner. It is submitted that the petitioner is 19 years old on the date of occurrence. It is pointed out that if the allegation raised against petitioner be taken into consideration then certainly before 2 year of the occurrence, the petitioner was minor and the informant being major, in fact, committed sexual offence against the petitioner through admitted obscene video call.

6. Arguing further, it is submitted that just to secure her marriage with petitioner, the false allegation of rape was raised against this petitioner. It is submitted that in Panchayati, the uncle and mother of the petitioner forced petitioner to leave the occasion and, therefore, it cannot be said that petitioner obtained physical relationship with the informant by deceitful means. It is submitted by learned counsel that any corporeal relationship on false pretext of marriage cannot be termed as rape. In support of his

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submission, learned counsel relied upon the legal reports of Hon'ble Supreme Court as available through **Ansaar Mohammad vs. State of Rajasthan and Ors. [2022 SCC OnLine SC 886]** and ***Pramod Suryabhan Pawar Vs. State of Maharashtra and Ors. [2019 9 SCC 608].*** While concluding argument, it is submitted that investigation of this case has already been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent

7. Learned APP duly assisted by Mr. Vijendra Kumar Singh, learned counsel appearing for the informant while opposing the prayer of bail submitted that allegation is specific against petitioner as to establish physical relationship with the informant. It is submitted that delay in lodging the FIR was due to panchayati.

8. In view of aforesaid factual submissions and by taking note of the fact as the FIR itself suggest that petitioner did not solemnize marriage with the informant due to act of his uncle and mother and not by the petitioner

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himself coupled with the fact that investigation of this case has already been completed, wherein petitioner being a man of clean antecedent remains in custody since 21.07.2026, accordingly, the petitioner, above-named, 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 Chief Judicial Magistrate, Purnea, in connection with Kasba P.S. Case No.240 of 2026, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short 'CrPC')/under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (for short 'BNSS').

(Chandra Shekhar Jha, J.)

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