

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84767 of 2025

Arising Out of PS. Case No.-351 Year-2025 Thana- BATHNAHA District- Sitamarhi

Abdul Ansari @ Md. Abdul Ansari S/o- Mansur Ansari Resident of Village-
Bhawanipur, P.S.- Bathnaha, Dist- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabana Khatoon D/o- Abdul Rajak Resident of Village- Bhawanipur, P.S.-
Bathnaha, Dist- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ashok Kumar Jha, Advocate
For the State	:	Md. Fahimuddin, APP
For the Informant	:	Mr. Rahul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-03-2026 Heard learned counsel appearing on behalf of the

petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the informant.

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

3. The prosecution case, in brief, is that informant,
who is a married woman and is having two sons, alleged that
she came in contact with this petitioner and since past one and
half years, fell in love with this petitioner and under the false
pretext of marriage and on the assurance that he will take care of



her children, this petitioner established physical relations with the informant and later on, refused to solemnize marriage. It is further alleged that in this regard, a *Panchayati* was also held in the village and it was decided that the petitioner will solemnize marriage with the informant-cum-victim, however, the petitioner fled away and solemnized marriage with another woman. It is further alleged that the informant is eight months pregnant and when she went to the house of this petitioner, she was abused and assaulted.

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. As a matter of fact, from bare perusal of the F.I.R. it is apparent that both parties knew each other since long and with the passage of time, relationship developed. At the time when the relationship developed, both of them were major and were fully aware of the consequences of such a relationship. The relationship was consensual between two consenting adults and both of them enjoyed each others company for one and half years. It is further



submitted that only because the relationship could not continue and failed, the same does not amount to rape. Rest of the allegations are ornamental in order to make the case grave. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. with specific accusation that on the false pretext of marriage, this petitioner established physical relations with the informant and later on, refused to solemnize marriage.

6. Considering the rival submissions advanced on behalf of learned counsel for the parties and the fact that from bare perusal of the prosecution case it is apparent that at the time when the relationship developed between the parties, both of them were major and enjoyed each others' company for one and half years, the same cannot be said to be inducted or involuntary and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named



petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Exclusive Special Judge (Rape and POCSO), Sitamarhi in connection with Bathnaha P.S. Case No. 351 of 2025, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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