

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88002 of 2025

Arising Out of PS. Case No.-387 Year-2025 Thana- RAFIGANJ District- Aurangabad

Acchhay Kumar S/O Rantosh Kumar Singh @ Rantosh Singh Resident of
Village- Indrar, P.S.- Pauthu, District- Aurangabad, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Muskan kumari D/O- Sri Kamlesh Singh, R/O-Village- Gandhrap, P.S.-
Rafiganj, Dist.-Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 29-04-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 69, 351(2),
352, 89 and 3(5) of the BNS, 2023.

3. The learned counsel for the petitioner submits that
O.P. No. 2 despite receiving notice chooses not to appear and
contest.

4. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that he called her on 03.10.2024 on her Mobile No.
9153451131 and asked her to meet on which she asked why he
intends to meet, on which the petitioner disclosed that he intends



to talk on the issue of Public Distribution System, it is next alleged that accordingly she came out of the house to meet the petitioner when petitioner started pressurizing her for friendship and also threatened that if she refuses then he will commit suicide hence the informant also got ready, but with a condition that if he will disclose the said fact to his parents and will marry her, on which petitioner got ready hence the informant believed him, it is next alleged that thereafter petitioner started establishing physical relation and when no one was present in the house of the informant then also the petitioner used to visit her and indulged in physical relation and on several occasion had taken her to hotels in Gaya for establishing physical relation, it is further alleged that in the month of April, 2025, the informant became pregnant, but the petitioner got the pregnancy aborted by forcefully administering her medicine, it is next alleged that when informant pressurized the petitioner to marry, on which the petitioner stated that he will marry her after the marriage of his sister, further on 10.07.2025, the petitioner brought her to his house and committed rape.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the relationship was



in between two consenting adults. It is also submitted that whenever such relationship sours, a false case of rape is instituted. It is next submitted that it does not appear probable that informant merely after knowing the petitioner would have allowed him to establish physical relation and that too on several occasion. It is also submitted that though it is alleged that petitioner took her to hotels on several occasion in Gaya for establishing physical relation, but then the name of the hotel is not mentioned in the FIR, which amply demonstrates that the informant, with a view to coerce the petitioner into submission, has instituted the instant case. It is next submitted that petitioner does not dispute his relationship with the informant, but then there was no promise of marriage. It is further submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence. It is also submitted that informant alleges that she became pregnant, but then during the course of investigation, no material transpired establishing pregnancy of the informant.

6. Learned A.P.P. for the State opposes the anticipatory bail application of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender within a period of six weeks from



today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Rafiganj P.S. Case No. 387 of 2025 subject to the conditions as laid down under Section 482 (2) of BNSS.

8. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

9. Let a copy of this order be sent to the concerned police station through the learned Trial Court.

10. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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