

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89883 of 2025

Arising Out of PS. Case No.-836 Year-2025 Thana- SIKARPUR District- West Champaran

Nabi alam @ Navi Aalam S/O Md. Nasrullah Ansari @Nasrullah Ansari@
Mohd Nasrullah Ansari R/O Vill.- Malad, P.S- Shikarpur, District- West
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/O Y R/O Vill.-Bishunpurwa Ward No.-16, P.S- Shikarpur, District-
West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 16-03-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned APP for the State.

2. The petitioner has prayed for bail in connection
with Shikarpur P.S. Case No. 836 of 2025 registered for the
offence punishable under Section 69 of the B.N.S., 2023.

3. The case of the prosecution, in short, is that the
petitioner and the informant were in a relationship for the last
two months. It is alleged that on the false promise of marriage,
the petitioner has established physical relationship with the
informant. It is further alleged that on 26.08.2025 at 12 noon,
the petitioner took the informant to a sugarcane field and
forcefully established physical relationship. When this fact was



known to the family members and neighbors, the petitioner was apprehended and was asked to marry to which he denied.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that the last part of an FIR speaks a lot. The last part of the FIR goes to show that the relationship was consensual but as the family members and neighbors have come to know, the petitioner was asked to marry, to which he denied. He further submits that from perusal of the medical examination report which was conducted on the same day, it will also transpire that no mark of injury was found on any parts of the body and even after going to the sugarcane field, no mark of scratch could be found on the body of the informant. In medical examination report, the doctor conducting medical examination has opined that pathology report shows spermatozoa not seen but physical examination- hymen ruptured. So possibility of recent sexual intercourse cannot be ruled out. He further submits that a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 27.08.2025.

5. Learned counsel for the petitioner has relied on a



judgment of Hon'ble Apex Court in the case of **Ansaar Mohammad vs. The State of Rajasthan & Anr** wherein the Hon'ble Apex Court has held which is given hereunder:-

“Offence of committing repeated rape on same woman- The complainant has willingly been staying with the appellant and had the relationship – Now if the relationship is not working out, the same cannot be a ground for lodging an FIR for the offence under Section 376(2)(n) of the IPC.”

6. The application for bail is vehemently opposed by the learned counsel for the informant and the learned APP for the State. Learned counsel for the informant stated that this is case under Section 69 of the BNS, which is newly added Section. He further submits that from perusal of the medical examination report, it will transpire that the offence was committed on the late.

7. Learned counsel for the informant has relied on a judgment of Hon'ble Supreme Court in the case of **X vs. State of Rajasthan** wherein Hon'ble Apex Court has held in para-14 which reads as under:-

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

8. Countering this, the learned counsel for the petitioner has submitted that it is not a case of rape rather it is a case of consensual relationship.



9. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 836 of 2025.

(Ashok Kumar Pandey, J)

Sudhanshu/-

U		T	
---	--	---	--

