IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38805 of 2026
Arising Out of PS. Case No.-122 Year-2026 Thana- MUFFASIL District- Aurangabad

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Suraj Kumar S/o Vishwanath Yadav R/o Village- Pokhrahan, P.S- Muffasil, Dist- Aurangabad. ... ... Petitioner/s

Versus

The State of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mrs. Mukul Kumari, Adv
For the Opposite Party/s : Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

4 21-08-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Aurangabad (Muffasil) P.S. Case No. 122/2026 registered for the offences punishable under Section 69 of the BNS.

3. As per FIR, petitioner alleged to establish physical relationship on several occasions with minor informant aged about 16 years on the false pretext of marriage and finally refused to solemnize marriage when same was asked to solemnize by the informant and further alleged to advance threat to her life and family members.

4. It is submitted by learned counsel appearing on behalf of the petitioner that when the marriage negotiation of informant with petitioner failed, present false implication was raised. It is submitted that marriage negotiation mainly failed for the reason that informant was found physically handicapped. It is submitted that disputes also related with mobile, which was snatched by petitioner from the informant, but it was subsequently returned to her. It is also submitted that victim

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refused to join medical examination and, therefore, in want of corroborating material it cannot be ascertained that physical relationship was established with her. Petitioner claimed clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that allegation is specifically available against this petitioner as to establish physical relation on several occasions with informant aged about 16 years on false pretext of marriage. It is submitted that this fact was duly supported by victim through her statements as recorded under Sections 180 and 183 of the BNSS.

6. It is submitted that petitioner was well aware about physical conditions of the informant and knowing the same he made a false promise for marriage. In this context, it is also submitted that non-finding of medical evidence does not lead to a conclusion *ipso-facto* that physical relation was not established.

7. In view of aforesaid factual submission and by taking note of fact as petitioner specifically alleged to establish physical relation with informant, who was minor at the date of occurrence i.e., 16 years on false pretext of marriage, which was

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duly supported by her statement as recorded under Sections 180 and 183 of the BNSS, accordingly prayer of anticipatory bail of petitioner stands rejected.

8. If, petitioner surrenders, learned trial court may dispose his prayer of bail at earliest, in accordance with law.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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