

Court of Exclusive Special Judge (Rape and POSCO Act) Patna.
A.B.P.No.3218/2026
(Arising out of Mahila P.S. Case No.73/2026)

(1). Harsh Raj S/o. Shashikant Gupra, R/o. Saksohra, P.S. Saksohra, Dist. Patna.

13.8.2026 This anticipatory bail petition has been filed on behalf of the above named accused petitioner, who is apprehending his arrest in connection with Mahila P.S Case No.73/2026, registered for the offences punishable U/s.69, 351(2), 252/(3(5) of the BNS. Heard learned counsel for the petitioner and the learned Spl.P.P for the state as well as the learned private counsel for the informant who is present in the court along with the victim informant.

Pressing the bail petition learned counsel for the petitioner would submit that the petitioner is quite innocent, committed no offence and has been falsely implicated in this case. Petitioner has no criminal antecedent. It is further submitted that even accepting the prosecution story, the relationship between the parties continued for considerable period and all meeting between them were voluntary. The allegations themselves indicate that the relationship was consensual in nature. There is no material to suggest that at the inception of the relationship the petitioner had a dishonest or fraudulent intention not to marry the informant. It is further submitted that the present prosecution appears to have arisen out of failed relationship and has subsequently been given a criminal colour. Custodial interrogation of the petitioner is neither necessary nor warrant as the prosecution case is primarily based on documentary and electronic evidence already available to the investigation agency. So prayer has been made to admit the petitioner on pre arrest bail.

On the other hand the learned Spl.P.P and the learned Spl. P.P and the learned private counsel for the informant have opposed the bail prayer of the petitioner.

Having heard the rival submissions of respective sides, perused the case record as well as the case diary.

Case of prosecution as per the written report of the informant is that she came into contact with the petitioner through Instagram. She has further stated that thereafter they became friend and later they starting loving each other. She has further alleged that thereafter they started meeting with each other and whenever the petitioner met her, he assured her that he will marry her. It is further alleged that whenever the petitioner met the informant he pressurized her to establish physical relationship, but she refused always, upon which the petitioner told her that he is going to marry her and there is nothing wrong now in doing all these things. He also got her acquainted with his family members, upon which she relied upon him and in this way he took her to Virasat Hotel, Boring Road and establish physical relation with her on four dates on the pretext of false marriage. Further allegation is that when the informant asked the petitioner to solemnize marriage he started evading her and also refused to marry her under threat that if she will lodge a case he will kill her. Further it is alleged that when the informant met the parents of the petitioner and requested them to get her married with their son, they refused to do so.

Contd.P/2.

13.8.2026

As per para-2, 3 and 4 of the case diary the witnesses including the informant in her restatement, her mother and one another witness have supported the prosecution version and active involvement of the petitioner in this case and these witnesses have stated that the petitioner established physical relationship with the victim informant on false pretext of marriage. The informant has also filed hard copy of whats-app chats and photographs showing intimate relationship with the petitioner. This case is under initial stage of investigation. The allegation against the petitioner is very much serious and specific in nature.

Considering the aforesaid facts as well as the nature of offence I am not inclined to admit the petitioner on pre arrest bail. Accordingly the bail prayer of the petitioner stands rejected.

sd/-

(Dinkar Kumar)

Ex. Special Judge (Rape and POCSO Act). Patna.