

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.995 of 2025

Arising Out of PS. Case No.-213 Year-2024 Thana- NAWANAGAR District- Buxar

1. Vikash Singh @ Vikash Kumar son of Hiralal Singh Village -Jitwa Dihri PS -Nawanagar Distt -Buxar
2. Pankaj Singh @ Pankaj Kumar son of Hiralal Singh Village -Jitwa Dihri PS -Nawanagar Distt -Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-05-2025 Heard Mr. Rang Nath Choubey, learned counsel for the petitioners and Mr. Mohammad Sufyan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Nawanagar P.S. Case No. 213 of 2024, F.I.R. dated 15.07.2024 for the offences punishable under Sections 115(2), 61(1), 64 and 3(5) of the BNS, 2023.

3. According to prosecution case, the informant's marriage was solemnized in the year 2024 with one Vikash Singh. The informant alleged that the petitioner no. 1 who happens to be the husband of the informant and the petitioner no. 2 and other co-accused persons, who happens to be the



brother-in-law of the informant have committed rape upon her for several times in the presence of the petitioner no. 1 who is husband of the petitioner.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that although the petitioners are named in the F.I.R. but from perusal of the F.I.R., it appears that the informant has not mentioned any date and time of the alleged occurrence and the petitioners have been made accused merely on the ground that they are brother-in-laws of the informant and as per the allegation in the F.I.R., the informant is alleging that in presence of her husband, namely, Vikash Singh, the other co-accused persons have committed rape upon her.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, the petitioners have clean antecedent, the petitioner no. 1 is the husband of the informant and there is no such allegation that he has committed anything wrong with the informant and the only allegation is that in the presence of the petitioner no. 1 the petitioner no. 2 and other co-accused persons have committed rape upon the



informant, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with .Nawanagar P.S. Case No. 213 of 2024 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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