

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5850 of 2025**

Arising Out of PS. Case No.-192 Year-2024 Thana- KHIRI MORE District- Patna

Shiv Kant Sharma @ Shivakant Sharma Son of Late Lal Deo Sharma Village  
-Mungila PS -Khirimore District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                    |   |                                                               |
|--------------------|---|---------------------------------------------------------------|
| For the Petitioner | : | Mr. Ajay Kumar Thakur, Advocate<br>Mr. Pramod Kumar, Advocate |
| For the State      | : | Ms. Renu Kumari, APP                                          |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

5      06-05-2025              Heard learned counsel for the petitioner and learned APP  
for the State. Perused the case diary.

2.      The petitioner seeks bail in connection with Khiri  
More P.S. Case No. 192 of 2024 instituted for the offence under  
Section 64(2)(m) of the Bharatiya Nyaya Sanhita, 2023.

3.      Prosecution case as emanated from the FIR is that  
informant was subjected to frequent sexual intercourse by the  
petitioner and on 09-09-2024, petitioner entered into her house  
and committed rape upon her.

4.      It has been submitted on behalf of the petitioner  
that the petitioner is in custody since 24-09-2024. Petitioner  
bears no criminal antecedents, as per disclosure made in  
paragraph No. 3 of the bail application.



5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. From perusal of the FIR, it would transpire that victim was subjected to rape since last three years, but no complain was made in this regard. Hence, it can be inferred that sexual intercourse so established was consensual in nature. Learned counsel for the petitioner submits that police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is mainly contended that victim in her statement recorded under Section 183 of the BNSS, 2023 has supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation of rape against the petitioner, which is duly corroborated by the statement of the victim recorded u/S 183 of the BNSS, 2023, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

9. However, petitioner will be at liberty to renew his



prayer for bail if the trial is not concluded within a period of six months from today.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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