

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4911 of 2025

Arising Out of PS. Case No.-3 Year-2024 Thana- ALAMNAGAR District- Madhepura

1. Navin Singh S/O Kare Singh R/O Village- Parail, Ward no.2, P.S- Alam Nagar, Distt.- Madhepura.
2. Sachitan Singh @ Sakichan Singh S/O Birabal Singh R/O Village- Alam Nagar, South Ward No.-7, P.S- Alamnagar, Distt.- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Seema Devi Daughter of Ashok Singh Resident of Village Parail, P.S. Ratwara, Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Kumar, Adv.
Mr. Alok Kumar Singh, Adv.
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP
For the Informant : Mr. Pawan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 25-09-2025 Heard learned counsel appearing on behalf of the parties.

2. The petitioners seeks bail in connection with Alamnagar P.S. Case No. 03 of 2024 registered for the offence under Sections 363, 366, 376(2)(g) of the I.P.C.

3. Both petitioners are named in the F.I.R. Where petitioner no. 1 is in custody since 12.09.2024. Petitioner no. 2 is in custody since 19.09.2024

4. As per FIR, the informant/ victim aged about 19 years was eloped by her neighbor namely, Poonam Devi, wife



of Navin Singh for Alamnagar, whereafter petitioners alongwith others after changing her dress in salon brought victim to Bihariganj, where she was raped by unknown and Navin Singh (petitioner no.1).

5. Learned counsel appearing on behalf of the petitioners submitted that the entire case of prosecution is based upon the statement of victim, who is the sole witness of the occurrence. It is submitted that upon medical examination no incriminating material surfaced/ recovered which may suggest that rape/ penetrative sexual assault was committed upon victim/ informant. It is pointed out that while lodging FIR, the victim stated that she was eloped by one Poonam Devi, but while recording her statement under Section 164 of Cr.P.C. she named one Rinku Devi. It is also submitted that in her statement recorded under Section 161 of Cr.P.C. during course of investigation she stated that the rape was committed upon her by both petitioners who are *samdhi* and in FIR it was stated that only petitioner no. 1 and one unknown person committed rape upon her. It is submitted that in view of contradictory statement and particularly taking



note of medical report of victim entire occurrence appears *prima-facie* doubtful on its face, where false implication were raised due to neighbor dispute and differences. While concluding the argument, it is submitted that petitioners are men of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Pawan Kumar, learned counsel for the informant while opposing the prayer of bail submitted that the allegation of rape is specific against petitioner no. 1, however, he could not disputed the factual submissions submitted by learned counsel for the petitioner.

7. In view of aforesaid factual submission and by taking note of fact qua contradictory statements of victim *qua* occurrence as discussed aforesaid, coupled with fact that investigation of this case already completed, where petitioner no. 1 is in custody since 12.09.2024 and petitioner no. 2 is in custody since 19.09.2024 being men of clean antecedents, accordingly both above-named petitioners, are directed to be



released on bail in connection with Alamnagar P.S. Case No. 03 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of learned SDJM, Madhepura /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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