

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14462 of 2025

Arising Out of PS. Case No.-407 Year-2024 Thana- GHOSI District- Jehanabad

Shiv Shankar Kumar S/o Bihari Sao R/o Vill.- Jaitipur Bazar, P.S.- Ghoshi,
Okri O.P., Dist.- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dauli Kumari, D/o Shaturdhan Prasad, R/o Vill.- Jaitipur Bazar, P.O. -
Jaitipur Karua, P.S.- Ghoshi, Okri O.P., Dist.- Jehanabad

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate.

For the Opposite Party/s : Mr.Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-05-2025 Heard Mr. Ashok Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Md. Anzarul Haque Sahara,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Ghoshi P.S. Case No. 407 of 2024 registered for the
offence punishable under Sections 365, 376(C), 201, 212 and
120B/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the
petitioner has allegedly committed repeated rape with the
informant.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner has been falsely



implicated in the present case. He is constable in Army. False allegation of physical assault has been levelled against him due to enmity. It is further submitted that the informant on her own has filed an affidavit before the learned Chief Judicial Magistrate, Jehanabad on 28.03.2024 that her parents had forced her to lodge a false case against her own uncle on the basis of false accusation, which is much before the filing of the complaint against the petitioner.

5. Mr. Ajit Kumar, Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and referring to several paragraphs of the case diary submitted that the petitioner was found to be engaged in forceful immoral act with the informant which was also witnessed by the younger sister of the informant (victim). He further refers the statement of the victim recorded on 12.11.2024 under Section 183 BNSS, corresponding Section 164 Cr.P.C., wherein she has reported the alleged offence committed by the petitioner against her. The victim (informant) is the own niece of the petitioner who is in government service.

6. Having heard the rival submissions made on behalf of the parties, the allegation made in the F.I.R. and the complaint, I find that the victim (informant) has supported her



statement recorded under Section 183 BNSS, wherein she has stated that by hatching a plan, her uncle took her to Gaya where he committed repeated rape with her, I have also perused the affidavit (Annexure-2) allegedly filed by the informant denying the allegation against the petitioner, I find that the dates mentioned on the said affidavit have been interpolated at several places, which has been sworn before the Chief Judicial Magistrate, Jehanabad, this also shows that the petitioner has deliberately to play fraud with the Court has prepared a document to mislead the court for granting him bail.

7. I am not inclined to enlarge the petitioner on pre-arrest bail.

8. Learned District Court is directed to forthwith inform the Commandant of the Unit of the petitioner where he is posted in Army, after verifying from the record.

9. The bail application stands disposed of.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

