

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14250 of 2025

Arising Out of PS. Case No.-254 Year-2024 Thana- LAURIA District- West Champaran

Lalbabu Miyan S/o Late Molajim Miyan @ Late Mojamml Miyan, R/o
Bagahi, P.S- Lauriya, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. “X”, W/o Julfkar Ansari, R/o Bagahi, Ward No.- 03, P.S- Lauriya, District-
West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr.Ahmad Ali, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 01-09-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel

 appearing on behalf of the petitioner and Mr. Ahmad Ali,

 learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Lauriya P.S. Case No. 254 of 2024 registered for the
offence punishable under Sections 376, 376(2) (g), 323, 342 and
506 of the Indian Penal Code and Section 169 of the I.T. Act.

3. As per the allegation made in the F.I.R., the
petitioner allegedly committed sexual wrong with the informant
while her husband was not in the State. Record reveals that
petitioner is the *bhagina* of the informant which she has
admitted in her statement recorded under Section 183 BNSS.



4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and no case under Section 376 IPC is made out, as it would appear from the manner in which the informant has filed the complaint case no. 1253 of 2024, which was sent by the Magistrate to convert into F.I.R. under Section 156(3) Cr.P.C. Learned counsel further submitted that there is delay of nearly one month in lodging the F.I.R., which was lodged after returning back of her husband. Learned counsel submitted that it is admitted that the petitioner is own *bhagina* of the informant and the informant has not given any reason as to why after much delay she has lodged the F.I.R. while the offence was committed on 02.06.2024. He further submitted that in course of investigation, the allegation of making photograph viral on social media is not supported by any evidence and also the allegation that in open sky, the petitioner had committed rape upon the informant and the informant was rescued by a villager, also falsifies the allegation made in the F.I.R.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and he has submitted that sufficient evidence has been collected against the petitioner in course of investigation, as such, the petitioner don't



deserve to be released on bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, considering the allegation against the petitioner supported by the statement of the victim recorded under Section 183 BNSS, I find that the petitioner has not made out a case to be released on pre-arrest bail.

7. However, learned District Court has not considered that no evidence has been collected in course of investigation so far as putting the objectionable photograph on social media is concerned and also the fact that the petitioner and the victim are close family member and after delay of nearly one month, F.I.R. was lodged. I am constrained to observe on the point of delay considering the fact that no information has been given in the bail application, as to on which date, complaint was lodged before the learned Magistrate, in view of the admitted position that the alleged crime was committed on 02.06.2024.

8. Considering all these information and the evidences collected in course of investigation, I find that only certain witnesses have supported that the informant was of easy virtue, but the same cannot be taken into account, considering the fact that the victim has supported the allegation in her statement under Section 183 BNSS. The petitioner, if so advised, may



surrender before the learned District Court and seek regular bail.

9. Learned District Court is directed to consider the regular bail application of the petitioner on the same day without being prejudiced by the impugned order dated 10.02.2025 and any observation made in this order.

10. The bail application stands disposed of.

(Purnendu Singh, J)

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