

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL APPEAL (SJ) No.1026 of 2025**

Arising Out of PS. Case No.-188 Year-2024 Thana- JOGBANI District- Araria

Rajiv Sahani @ Rajiv Kumar Sahani Son of Bhola Sahani Resident of village-  
Kajurbai, Ward no. 5, Ps- Jogbani, Dist- Araria

... .. Appellant/s

Versus

- 1 . The State of Bihar
2. Parvati Devi daughter of Satya Naryan Paswan village- Tikulia Basti, Ward  
no. 4, Ps- Jogbani, Dist- Araria

... .. Respondent/s

**Appearance :**

|                      |   |                                                                                     |
|----------------------|---|-------------------------------------------------------------------------------------|
| For the Appellant/s  | : | Mr. N K Agrawal , senior Advocate<br>Mr. Kumar Rajdeep, Advocate                    |
| For the Respondent/s | : | Mr. Binay Krishna, spl. PP                                                          |
| For respondent No. 2 | : | Mr. Kanchan Jha, Advocate<br>Mr. Nishant Choudhary, Advocate<br>Mr. Madhav Jha, adv |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH  
ORAL ORDER**

5      11-09-2025                      Heard learned counsel for the parties.

2. This appeal has been filed for setting aside order dated 25.10.2024 passed in a case registered for the offence punishable under sections 64, 303(2), 352, 351(2) ,3(5) of BNS and Section 3(1)(r) (s) 2 (va), 3 (2) (v) of S.C./S.T Act, whereby the prayer for anticipatory bail of the appellant has been rejected.

3 . The prosecution case , in short, is that informant resides in her parental home with her two children due to dispute with her husband, for which case is pending in the Court below in Araria. It is alleged that this appellant *Rajeev Sahani*



used to visit parent's house of informant, where informant came in contact with this appellant. At the night of July 19, 2024, at about 11:30 PM, when informant was sleeping alone in her room, then this appellant entered her room and committed rape upon her. Upon protest, this appellant covered mouth of informant with a cloth and pointed a sharp weapon on her neck, and threatened to kill her, if she makes any noise. Thereafter, this appellant snatched two heavy gold chains from her neck and abused her by caste name . Thereafter, a Panchayati was convened to address the situation , where this appellant again abused her by caste name and threatened her with dire consequences.

4. It is submitted that appellant is innocent and has committed no offence as alleged. As a matter of fact, this appellant was in love with one Asmita Kumari aged about 20 years but the father of Asmita Kumari, namely, Bhagwan Lal Paswan was against the love affairs of the couple . Out of love , both Asmita and this appellant eloped together and for the very same reason , father of Asmita namely Bhagwan Lal Paswan lodged a case in Forbesganj P.S Case No. 456/2024 dated 23.07.2024 in which the date of occurrence is mentioned as 19.07.2024 and in the aforesaid case , appellant has already



been granted bail on 27.08.2024 by 1st Additional Session Judge cum Exclusive Special Judge, Araria . It is further submitted that the present informant of this case is cousin sister (*Mameri Behen*) of Asmita and in retaliation of the aforesaid incident, she created hypothetical and imaginary story and lodged the present false and concocted case against this appellant. Moreover, on 19.07.2024 this appellant solemnized marriage with consent of Asmita and since then , both of them leading a happy married life and both of them have also sworn in an affidavit before the notary public accepting their marriage . Thus from the aforesaid case, it is apparent that on 19.07.2024, this appellant was with Asmita in Farbesganj and hence the story propounded by the informant is totally false and concocted. It is highly unbelievable that on 19.7.2024 , petitioner could be present in Jogbani and would indulge in such act. As such, on 19.7.2024 appellant could not have committed such wrong and abused her by caste name .

5 . Learned special public prosecutor for the State as well as learned counsel for the respondent No. 2 opposed the prayer for bail.

6. Considering the aforesaid facts, this appeal is allowed and the impugned order is set aside. Let the appellant,



named above, in the event of arrest/surrender within a period of eight weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Session Judge cum Exclusive Special Judge, Araria in connection with Jogbani Police Station Case No. 188 of 2024 .

**(Prabhat Kumar Singh, J)**

Koushik/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

