

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31858 of 2025

Arising Out of PS. Case No.-51 Year-2023 Thana- MAHILA P.S. District- Samastipur

Rajiv Singh S/O Ram Jivan Mahto @ Ram jivon Singh R/V- Sangrampur,
P.S- Karpurigram, Distt.- Samastipur.

... .. Petitioner

Versus

1. The State of Bihar
2. Anita Kumari D/O Kisuni Paswan R/V- Durgapur Simarwara, P.S- Mahua,
Distt.- Vaishali.

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 24-11-2025 Heard learned counsel appearing on behalf of the

petitioner and Mr. Navin Kumar Pandey, learned A.P.P. for

the State.

2. The accused/petitioner seeks bail in connection

with T.R. No. 15/2025 (1942/2025) arising out of Mahila

P.S. Case No. 51 of 2023 registered for the offences under

Sections 376, 341, 323, 504, 506 of the Indian Penal Code

and section 3(2(v) of the SC/ST (POA) Act.

3. The accused/petitioner is named in the First

Information Report and is in custody since 24.06.2024.

4. Allegation against the petitioner is to establish

physical relationship with the informant aged about 22 years



on the false pretext of marriage.

5. It is submitted by learned counsel appearing on behalf of the petitioner that present FIR was lodged with a delay of ten months i.e. for the occurrence dated 15.08.2022 FIR was lodged on 22.06.2023.

6. It is submitted that the trial in this case is still pending even after one year of framing of charge, which is in complete defiance of legal provision as available under section 346(1) of the B.N.S.S.

7. While concluding argument, it is submitted that investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

8. Explaining criminal antecedent of the petitioner, it is submitted by learned counsel that petitioner is involved in one more criminal case with same informant, where after investigation, police submitted final form against him.

9. Mr. Navin Kumar Pandey, learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that allegation is specifically available against this



petitioner. It is pointed out that the victim supported the allegation against petitioner qua statement recorded under section 183 of the B.N.S.S.

10. Notice to the informant regarding present pending proceeding was given by Mr. Navin Kumar Pandey, learned A.P.P. for the State, in terms of order dated 07.10.2025, which also supported from the letter of Superintendent of Police, Samastipur, as made available to this Court vide letter 819 dated 29.10.2025, which was submitted across the board and taken on record. None appeared for the informant despite service of notice.

11. In view of aforesaid factual submission and by taking note of the fact as the allegation of rape *prima facie* appears to be raised in the background of false promise of marriage, where trial of this case is yet to conclude defeating the legal provision as available under section 346(1) of the B.N.S.S., accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Judge (Rape and POCSO Act), Samastipur/concerned court,
in connection with T.R. No. 15/2025 (1942/2025) arising out
of Mahila P.S. Case No. 51 of 2023, subject to the condition
as laid down under Section 437(3) Cr.P.C/Section 480(3) of
the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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