

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33657 of 2025

Arising Out of PS. Case No.-37 Year-2024 Thana- PRATAPGANJ District- Supaul

Mahadeo Kumar S/o Lalo Sada @ Laleshwar Sada R/o Village- Belahi @
Belhi, Ward No. 1, P.S.- Pratapganj, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Bhushan Das, Adv

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 12-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Pratapganj P.S. Case No. 37 of 2024 registered for the
offences under Sections 341, 448, 323, 376, 511, 504 and
506/34 of the IPC.

3. The petitioner is named in the F.I.R. and is in
custody since 23.05.2024.

4. The allegation against the petitioner is to made
an attempt to commit rape upon informant, who is a married
lady aged about 22 years on 15.02.2024 at about 11:45 PM.

5. Learned counsel appearing on behalf of the
petitioner submitted that upon instigation of certain villagers
petitioner falsely implicated with the present case making



informant instrumental. It is submitted that statement of victim *qua* occurrence is totally different what she stated while recording her statement under Section 164 of the Cr.P.C. It is submitted that through FIR she categorically stated that an attempt of rape was made by this petitioner, whereas while recording her statement under Section 164 of the Cr.P.C. she categorically stated that this petitioner committed rape upon her and after the occurrence villagers took him in custody. It is pointed out that upon medical examination no mark of violence was found upon victim. It is also submitted that present FIR was lodged with delay of five days without any just explanation. It is further submitted that during the course of investigation certain independent witnesses categorically stated that this petitioner falsely implicated with the present case and he was taken into custody on the date of occurrence itself i.e., on 15.02.2024 as a preventive measure. While concluding the argument it is submitted that, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.



6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of aforesaid factual submission and by taking note of fact as improvement of incriminating version of victim over her initial statement as recorded under Section 164 of the Cr.P.C. which prima-facie creates a doubt towards sterling nature of her statement, coupled with the fact as petitioner remains in custody since 23.05.2024, accordingly above named petitioner, is directed to be released on bail in connection with Pratapganj P.S. Case No. 37 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Birpur/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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