

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37324 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- KANTI District- Muzaffarpur

Vikash Kumar S/O Dinesh Ram R/O Village- Kanti Kasba, Ward No 18, PS-
Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-08-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with Kanti P.S. Case No. 31 of 2025 lodged on 21.01.2025 under Sections 70(2), 61(2) and 308(5) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, F.I.R. has been lodged against three named and one unknown accused person, including the present petitioner, alleging that when the informant went to the nearest Primary Health Centre with her sister-in-law (Bhabhi) to receive an injection, the accused persons, including the present petitioner, suddenly and forcefully boarded her vehicle while they were returning. It is alleged that they took her to an unknown location, confined her



in a room, and committed rape upon her. It is further alleged that a video of the incident was recorded by the co-accused, namely Kanhai Kumar. The accused persons also allegedly threatened to kill her and make the video viral. The F.I.R. further states that when her husband came to know about the incident, he approached Kanhai Kumar and requested him to delete it, upon which Kanhai Kumar demanded ₹1,00,000, threatening to make the video viral if the demand was not met. Thereafter, the present F.I.R. was lodged.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that the petitioner is a neighbour of the informant, and a land dispute is ongoing between the parties. It is only due to this reason that the petitioner and others have been falsely implicated in the present case. He further submits that although an allegation of rape has been made, the informant refused to undergo medical examination for reasons best known to her. He also submits that the criminal antecedent of the petitioner is clean and he has been in custody since 23.01.2025. It is further submitted that the prosecution case is entirely false, concocted, and not believable to any prudent person, and no such occurrence, as alleged in the F.I.R., actually took place.



According to him, the F.I.R. has been lodged due to a family dispute between the informant and the petitioner. He further submits that there is an unexplained delay of about 10 days between the alleged date of occurrence and the lodging of the F.I.R., for which no plausible explanation has been given. He, therefore, submits that the case should be treated as false, and bail should be granted to the petitioner.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is a direct and specific allegation against the petitioner of committing rape, which the informant has consistently narrated before the police as well as before the Court. He further submits that the case diary has been called for, and from the case diary, it shall be apparent that the allegation is genuine.

6. Learned APP for the State opposes the prayer for bail and submits that the delay in lodging the F.I.R. occurred because, due to public shame, the informant did not disclose the incident to anyone initially. He further submits that there is a direct allegation of rape against the petitioner. It is also submitted that the victim's statement under Section 183 of the BNSS has been recorded and is attached in the case diary.

7. Upon perusal of the said statement of the victim, it



transpires to this Court that there is a direct and specific allegation against the present petitioner of committing rape. However, it is also true that the victim refused to undergo medical examination.

8. In the present facts and circumstances of the case, and considering the submissions made above, this Court is not inclined to grant bail to the petitioner at this stage. Accordingly, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

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