

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45004 of 2025

Arising Out of PS. Case No.-20 Year-2025 Thana- MEDNI CHAUKI District- Lakhisarai

Salesh Kumar @ Shailesh Mahto Ashok Kumar @Ashok Mahto Village and P
O Amarpur Police Station Mednichowki District Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Sanjay Kumar S.K., Advocate
For the State	:	Mr.Raj Ballabh Singh, APP
For the Informant	:	Mr.Rajive Ranjan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 10-11-2025 Heard learned counsel for the petitioner and learned APP

for the State duly assisted by learned counsel for the informant.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Mednichowki P.S. Case No. 20 of 2025 registered for the offences punishable under Sections 64, 352 and 351(1) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The allegation against the petitioner is to commit rape upon the informant, who is a married lady aged about 35 years old and work as a daily wages labour.

4. Learned counsel appearing on behalf of the petitioner submitted that the present case was lodged falsely against the petitioner on instance of his cousin brother namely, Gautam



Kumar, with whom he was in inimical terms.

5. It is further submitted that initially one complaint case was lodged against said cousin brother by wife of the informant bearing Complaint Case No. 340/2024 filed before learned C.J.M., Lakhisarai. Consequent upon, his cousin brother lodged a case against the petitioner which was registered as Mednichowki P.S. Case No. 178/2024, available as Annexure 'P/3'. It is submitted that now this time this informant made instrumental on instance of his cousin brother.

6. It is submitted that FIR was lodged with two different names, one as Rinki Devi, wife of Late Mahesh Kumar Singh and another as Priyanka Devi @ Pinki Devi, wife of Late Rakesh Singh. It is submitted that both FIRs have been annexed with the present petition, making the entire occurrence doubtful and supporting only false implication. It is submitted that for aforesaid discrepancies, one petition was also filed before the Superintendent of Police, Lakhisarai, for which inquiry is still pending.

7. Arguing further, learned counsel pointed out that while recording the statement under section 183 of the B.N.S.S., victim categorically stated that she received injury on



her leg during occurrence but upon medical examination, which was conducted on 20.02.2025, no any such injury was noticed. It is also submitted that in support of allegation as raised against this petitioner, nothing incriminating was found upon medical examination of victim.

8. It is submitted that the present FIR was lodged with a delay of 13 days of the occurrence without any explanation.

9. Learned A.P.P. for the State duly assisted by Mr. Rajive Ranjan Singh, learned counsel for the informant, while opposing the prayer of anticipatory bail of the petitioner, submitted that rape was committed upon the informant of this case namely, Priyanka Devi, but learned counsel could not explain that how this FIR was lodged by one Rinki Devi claiming herself as the victim of this case.

10. In view of aforesaid factual submission and by taking note of the fact as FIR in issue i.e. Mednichowki P.S. Case No. 20 of 2025, suggests a major discrepancy *prima facie* whether the informant/victim of this case is Priyanka Devi @ Pinki Devi, wife of Late Rakesh Singh or Rinki Devi, wife of Late Mahesh Kumar Singh, raising an overall question mark *qua* occurrence, as alleged to be committed by the petitioner,



particularly in the background of enmities as mentioned aforesaid, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Lakhisarai/ concerned court in connection with Mednichowki P.S. Case No. 20 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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