

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43831 of 2025

Arising Out of PS. Case No.-11 Year-2025 Thana- MAHILA P.S BAGHA District- West
Champaran

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Birendar Madheshiya @ Birendar Sah S/O Late Bandhu Sah @ Late Bandhu
Madheshiya R/o Village Khalawa Patti, P.S.- Dhanaha, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sujeet Kumar

For the Opposite Party/s : Mr.Jai Narain Thakur

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 24-12-2025 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Bagaha Mahila P.S. Case No. 11 of 2025, registered for the
offences punishable under Sections 126(2), 115(2), 64, 89, 79,
352, 351(3) and 3(5) of BNS.

3. The victim is a lady, aged about 28 years. She states
in her written report that there was land dispute between her
father and her uncle. To resolve that dispute, she went to the
local leader (the petitioner) along with her mother. The
petitioner asked her to come on the next day with an application.
On the next day, the mother of the informant was suffering from



ailment, so she went alone to the petitioner, where he provided her some water. After consuming that water, she became unconscious. The petitioner committed rape upon her and also recorded her video clip. Later on, the petitioner continued exploiting the victim on the basis of that video clip. She became pregnant, and at the instance of the petitioner, the pregnancy was terminated. Later on, her marriage was solemnized with one Durgesh Kushwaha, but the petitioner showed the video clip to her husband, and due to that, her husband left her.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. The victim is an adult lady. The relationship between the petitioner and the victim was consensual. He has further submitted that the victim was not in unconscious state at the time of the sexual relationship, which is evident from the video clip that was displayed before the Coordinate Bench as well as before the learned court below. He has also submitted that the victim has compromised the case with the petitioner.

5. On the other hand, the learned counsel for the informant has submitted that the video clip was played before the court below, in which the petitioner was seen in sexual relationship with the informant. She became pregnant, and her



pregnancy was aborted at the instance of the petitioner. He has also submitted that no compromise has been filed by the informant, rather, it was fabricated compromise petition.

6. In my view, the compromise petition is immaterial, as it is a heinous offence. The offence may be consensual, but the petitioner went to the extent of showing the video clip to the husband of the victim and disrupted the matrimonial fabric of the victim.

7. Considering the above-mentioned facts and circumstances, the petitioner doesn't deserve the privileges for anticipatory bail. Accordingly, it is rejected.

(Nawneet Kumar Pandey, J)

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