

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42148 of 2025

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

Kanhai Kumar @ Kanhai Ram Son of Late Jagga Ram @ Late Jaga Ram
Village- Kanti Kasba PS- Kanti District -Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 15-10-2025 Heard Mr. Yugal Kishore, learned counsel for the petitioner and Mr. Prakash Chandra representing the informant as also learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Kanti P.S. Case No. 31 of 2025 for the offence under sections 70(2), 61(2) and 308(5) of the BNS lodged on 21.01.2025 by the informant, Mira Devi.

3. As per the prosecution story, the lady alleged that on 11.01.2025, she had gone to take injection near the Primary Health Center. Later, one Nidhi Devi informed that she wanted to go to Muzaffarpur for the treatment of her child and wanted her support. As they moved towards the hospital instead, she took her to Chandni Chowk where the accused persons forced her in a car, took her to an unknown place and allegation is that



Vikash Kumar and an unknown person raped her. Allegation against this petitioner is of making video. She could not detailed out the facts to her family members but when this petitioner sent the video to her husband, he made inquiry whereafter she lodged the FIR.

4. Learned counsel for the petitioner submits that a perusal of the FIR would show that the alleged occurrence took place on 11.01.2025, the FIR came to be lodged on 21.01.2025. The allegation is that two accused persons raped her but she chose not to go for the medical examination. Again, the allegation against this petitioner is of sending the video to the informant's husband but alongwith the FIR, no such video was provided to support her claim. The further submission is that even in her statement before the Court under Section 183 of the BNSs, the allegation of rape is not against this petitioner, he is an aged person having no criminal antecedent, shall be co-operating in the investigation and appearing diligently in trial and under no circumstance, will have any truck with the lady/family members/witnesses, if granted relief.

5. Learned counsel representing the informant on the other hand submits that though allegation of rape is not against this petitioner, he made the video of the rape and subsequently,



send it to her husband which led to the FIR.

6. Taking into account the submissions of the parties as also that allegation of rape is not against this petitioner nor the alleged video is in public domain and/or in the possession of the Police who lodged the FIR, has no criminal antecedent, is an aged person, have undertaken not to have any truck with any of the witnesses in the present case, there has been delay in lodging of FIR, shall be diligently appearing in trial as undertaken, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ACJM, 1st West, Muzaffarpur in connection with Kanti P.S. Case No. 31 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. Anything recorded in the present order shall not be taken into consideration at any point of time or during the trial as it has been recorded only for the purpose of grant of anticipatory bail to the petitioner.

(Rajiv Roy, J)

Adnan/-

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