

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47146 of 2025

Arising Out of PS. Case No.-25 Year-2025 Thana- KODHOBARI District- Kishanganj

Shamsher Reza @ Samsor Raza S/O Late Shahid Hussain Resident of village-
Kalpir Ward No.08, P.S.- Kodhobari, District - Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lavli Praveen D/O Alauddin R/O Village- Kalpir Ward No. 03, P.S-
Kothobari, Distt.- Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the State	:	Mr. Surendra Prasad Singh, APP
For the O.P. No. 2	:	Mr. Amal Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-09-2025 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel for the opposite

party no. 2.

02. In the present case, the petitioner seeks bail in
connection with Session Trial No. 85 of 2025 arising out of
Kodhobari P.S. Case No. 25 of 2025 registered for the alleged
offences under Sections 64, 115(2), 126(2), 352, 351(3) of
Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, the petitioner called out
the informant in the night for meeting in a maize field and
committed rape with her. When the informant insisted for
marriage, the petitioner assaulted the informant. On alarm being



raised, the family members of the informant came and saved her.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to malice and local village politics. In fact, there was love affair between the informant and the petitioner and this fact is clear from the FIR itself. The informant lodged this case when the petitioner denied to marry her. The petitioner did not establish any physical relationship with informant forcibly nor assaulted her. The petitioner belongs to a very good family and rape cases are being lodged in the said area for compelling marriage with the persons like petitioner. Learned counsel further submits that in the medical examination, nothing came up about the informant being subjected to rape and her age was assessed to be 20-25 years. The petitioner is having clean antecedent. The petitioner is in custody since 06.03.2025 and charge-sheet has been submitted.

05. Learned APP for the State as well as learned counsel for the opposite party no. 2 vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the opposite party no. 2 submits that the informant supported her case even in her statement recorded under Section 183 of BNSS about petitioner committing rape with her.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the doubtful nature of allegation in the light of medical report and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Kishanganj/court concerned in connection with Session Trial No. 85 of 2025 arising out of Kodhobari P.S. Case No. 25 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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