

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47785 of 2025

Arising Out of PS. Case No.-179 Year-2025 Thana- JAKKANPUR District- Patna

Mithun Kumar @ Mithun Kumar Bishwas Son of Tukaru Bishwas R/o- Ward
No.- 2, Panchayat - Azimnagar Sanichari, P.S.- Azimnagar, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Onkar Nath

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Jakkanpur P.S. Case No. 179 of 2025, registered for the offences under Sections 64(1) of the BNS.

3. As per the prosecution case, on pretext of arranging a job for the informant, the petitioner spiked the food of the informant and made some video. Thereafter extending threats of making the video viral the petitioner committed rape with the informant and she became pregnant.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The case has been lodged after delay of twenty days and there is no explanation for the same.



The informant is already married and if any sexual act took place between the petitioner and informant it was consensual. No video of the informant came on record though there is allegation that giving threat of the video the petitioner committed rape with the informant. Learned counsel further submits that petitioner is ready to undergo test to deny the fact that the child in the womb of the informant is of the petitioner. The petitioner is having clean antecedent and he is in custody since 10.03.2025. Charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that the informant has made specific allegation against the petitioner for committing rape with her and she has also supported his allegation in her statement recorded under Section 183 of the BNSS.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and also considering submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Judge Rape & POCSO Act, Patna/concerned court, in connection with Jakkanpur P.S. Case No. 179 of 2025, subject to the condition laid down under Section 480(3) of the BNSS and other 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, if so required by the learned trial court.
- (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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