

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47723 of 2025

Arising Out of PS. Case No.-357 Year-2025 Thana- JAKKANPUR District- Patna

Amit Sharma S/o Binod Sharma @ Vinod Kumar Sharma Resident of Bal
Leela Gurudwara, Chhoti Patandevi, P.S.- Chowk, Dist.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Rahul Raj, Advocate
		Mr.Akhauri Kamal Kishore Sahay, Advocate
For the Opposite Party/s :		Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-11-2025 Heard learned counsel appearing on behalf
of the petitioner and learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Jakkanpur P.S. Case No. 357 of 2025 registered for the offences under Sections 64 Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.').

3. The accused/petitioner is named in the First Information Report and is in custody since 23.05.2025.

4. Allegation against the petitioner is to commit penetrative sexual assault/rape upon the informant aged about 27 years old and married lady.

5. It is submitted by learned counsel



appearing on behalf of the petitioner that petitioner has been falsely implicated in this case. It is submitted that allegation of rape appears to be raised on false pretext of marriage. It is submitted that the informant is a married lady aged about 27 years.

6. It is pointed out that trial of this case is not likely to conclude in near future, which appears defeating the provisions of law as available under section 346(1) of the B.N.S.S.

7. While concluding argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted on 20.07.2025, and as such, there is no chance of tampering with the evidence.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. Considering the submission as advanced by learned counsel for the parties and upon perusal of record as it appears that allegation of rape *prima facie* appears to be raised on false



pretext of marriage, where the victim is a 27 years old married ladies, coupled with the fact that trial of this case was not concluded within two months after submission of charge-sheet on 20.07.2025, which appears defeating the provision of law as available under section 346(1) of the B.N.S.S. and as petitioner, being man of clean antecedent, remains in custody since 23.05.2025, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) 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. 357 of 2025, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J)

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