

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50171 of 2025

Arising Out of PS. Case No.-25 Year-2025 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Suraj Kumar Son Of Late Motilal Singh @ Moti Singh Village -Kanhana P.S.
-Adhaura District -Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Tribhuvan Narayan, Advocate
For the State	:	Mr. Raj Kishor Singh, APP
For the Informant	:	Mr. Jay Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 16-10-2025 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 64, 351(2) of the B.N.S.

3. The case of the prosecution is that the petitioner arrived at the house of the informant. Informant was knowing him from before. It is alleged that on 27.03.2025 at 11 PM, the petitioner committed rape with the informant and threatened her of dire consequences.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner has submitted that from perusal of the



FIR, it is clear that the date of occurrence is of 27.03.2025 whereas the FIR has been lodged on 29.04.2025. There is delay of more than one month in lodging the FIR and the delay has not been explained by the prosecution. Learned counsel for the petitioner has further submitted that during investigation, it has come that the informant was living in a rented room and even the owner of the said house of the informant has stated in para-50 of the diary that different persons used to come at her rented room. During investigation, the witnesses have also stated that this petitioner was regular visitor of the informant. Informant has given her statement recorded under Section 183 of B.N.S.S. wherein she has stated that on the date of the occurrence, the petitioner went to the house of the informant and demanded water and when she went to fetch water, force was used against her. She was threatened and was assaulted. She has not stated anything regarding commission of rape by the petitioner in her statement recorded under Section 183 of B.N.S.S. Learned counsel for the petitioner has submitted that the informant is a 35 years old lady having two issues. From perusal of the medical report also, the doctor has opined that on the basis of above findings, sexual assault could not be ascertained. A statement has been made in para-3 of this petition that the



petitioner has got no criminal antecedent. Moreover, the petitioner is languishing in judicial custody since 03.05.2025.

5. Learned APP appearing for the State and learned counsel for the informant have vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahila P.S. Case No. 25 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur at Bhabua.

(Ashok Kumar Pandey, J)

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