

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50768 of 2025

Arising Out of PS. Case No.-20 Year-2025 Thana- MAHILA P.S. District- Purnia

Dilkhush Jha @ Dilkhush Kumar Jha S/o- Sri Balmukund Jha Resident of
Sukhsena P.S- Barhara, Dist- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manita Kumari W/o- Sri Narayan Thakur Village- Kaushik Nagar Baxa Ghat
Road DAV Chowk Ps- Madhubani Dist- Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-11-2025 Heard the parties.

2. The accused/petitioner is named in the F.I.R. and apprehended his arrest in connection with Mahila P.S. Case No. 20 of 2025 registered for the offences punishable under Sections 64, 352, 351(2) and 351(3) of the BNS and Section 66E of the IT Act.

3. As per FIR, petitioner committed rape upon informant, who is 33 years old married lady. Petitioner belongs from the parental village of informant and admittedly they are acquainted to each other much before the occurrence.

4. Learned counsel appearing on behalf of the petitioner submitted that first occurrence of rape as alleged in terms of FIR is 19.02.2024, but no report of aforesaid occurrence



as alleged was ever raised before the husband, family members or police. In this context, it is further submitted that last occurrence of rape as alleged by informant took place on 22.03.2025, whereas FIR in issue was lodged on 12.04.2025 i.e., after 20 days of the occurrence, even the allegation *qua* attempt of suicide was also made on 25.03.2025 and all such delay collectively creates a serious doubt *qua* occurrence. It is further submitted that informant was in continuous relationship with this petitioner with whom she was acquainted much before her marriage as he belongs to her parental village and out of said acquaintance petitioner also provided cash loan of Rs. 3,50,000/- to the husband of informant. While concluding the argument learned counsel submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant, while opposing the prayer for anticipatory bail submitted that allegation of rape is specifically available against this petitioner. However, he could not dispute aforesaid factual submission as advanced aforesaid, except cash loan of Rs. 3,50,000/- is not in his knowledge.

6. In view of the facts and circumstances and by taking note of the fact as prima-facie FIR suggests that physical relationship between informant and petitioner was since February



2024, where present FIR was lodged with a delay of 20 days without any just explanation, coupled with the fact as prima-facie, present FIR was lodged when relationship of petitioner and informant came to the knowledge of husband of the informant, accordingly the petitioner above named, in the event of his arrest or surrender before the learned trial court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Purnea/concerned trial court where the case is pending in connection with Mahila P.S. Case No. 20 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

