

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51984 of 2025

Arising Out of PS. Case No.-62 Year-2025 Thana- CHIKSAUR District- Nalanda

Shiv Kumar Prasad @ Shivji Son of Late Ramchalitra Yadav Resident of
Village - Sardar Bigha, P.S.- Chiksaura, District - Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No.1,APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 17-11-2025 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 Chiksaura P.S. Case No. 62 of 2025 registered for the
offences under Sections 64(1), 351(3) of the 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 09.05.2025.

4. Allegation against the petitioner is to commit
rape upon the widow daughter of the informant aged about
32 years old while she was sleeping alone in her room.

5. It is submitted by learned counsel appearing on
behalf of the petitioner that the mother of the victim was



desirous to open window of her house in the side of courtyard (Aangan) of the petitioner, which was objected and, therefore, the present false implication of rape was raised against him. It is submitted that the FIR in issue was also lodged after six days of the occurrence when the informant visited to her parental village, and for long six days, as per FIR, the occurrence was not said to be disclosed by the widow daughter of the informant to her. It is submitted that the victim who is a widow daughter of the informant aged about 32 years made instrumental to lodge the present false case. It is also pointed out that upon medical examination of the victim nothing found incriminating as to suggest that rape, as alleged, was committed upon her.

6. While concluding argument, it is submitted that petitioner involved in one more criminal case, where he is on bail and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioner, submitted that allegation of



rape is specifically available against this petitioner.

8. In view of the aforesaid factual submission and by taking note of the fact as the FIR in issue appears lodged with a delay of six days without having any just explanation, coupled with the fact that investigation of this case is already completed where petitioner remains in custody since 09.05.2025, 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 Additional Chief Judicial Magistrate-I, Hilsa (Nalanda)/concerned court, in connection with Chiksaura P.S. Case No. 62 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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