

Arising Out of PS. Case No.-18 Year-2025 Thana- MAHILA P.S. District- Kishanganj

Ritesh Rai S/O Wishwanath Rai R/O Flat No. 407, Sanghavi Residency
Bhicholi Mardana, P.S- Kanadiya, Dist.- Indore (Madya Pradesh) at present
Permanent Address- Dumaria, Kali Mandir Ward No. 30, P.S- Kishanganj,
Distt.-Kishanganj, Bihar. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-11-2025

Heard the parties.

2. The accused/petitioner is named in the F.I.R. and

apprehended his arrest in connection with Kishanganj Mahila P.S.

Case No. 18 of 2025 registered for the offences punishable under

Sections 64(1), 351(2), 351(3), 126(2) and 115(2) of the BNS.

3. As per FIR, petitioner committed rape upon

informant, who is a married woman, aged about 29 years.

4. Learned counsel appearing on behalf of the

petitioner submitted that present FIR was lodged as to counter the

Kanadiya P.S. Case No. 455 of 2024, District-Indore, M.P.,

through which similar allegation was lodged by the wife of

petitioner against brother of the informant. It is pointed out that

first alleged occurrence took place on 24.11.2024, whereas FIR

was lodged on 18.03.2025, therefore at best it is a case of extra-



marital affair suggesting consensual physical relationship. It is also submitted that four months delay in lodging of FIR creates doubt *qua* occurrence as alleged. While concluding the argument learned counsel submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances and by taking note of the fact as FIR in issue was lodged with the delay of four months without having any just explanation in the background of previous enmity, accordingly 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 Chief Judicial Magistrate, Kishanganj/concerned trial court where the case is pending in connection with Kishanganj Mahila P.S. Case No. 18 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.)

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