

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56762 of 2025

Arising Out of PS. Case No.-96 Year-2025 Thana- BHAGWANPUR District- Vaishali

Guddu Kumar S/o Ram Janam Sahani @ Rama Janam Sahni Resident of
Village- Kiratpur Raja Ram, Police Station- Bhagwanpur, Distt.- Vaishali.
... .. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar, Advocate
For the Opposite Party/s	:	Mr.Gauri Shankar Gupta, APP
For the Informant	:	Mr. Ashutosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Bhagwanpur P.S. Case No. 96 of 2025 registered for the offence

under Section 64(i) of the BNS.

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

in custody since 13.04.2025.

4. The allegation against the petitioner is to commit

rape upon the informant, who is married lady of 45 years old while

she was working in field. Informant is the aunt of the petitioner.

5. Learned counsel appearing on behalf of the petitioner

submitted that though the petitioner is nephew of the victim and

therefore implicated falsely out of family disputes which is

apparent from the statement of victim as recorded under Section



183 of the BNSS. It is pointed out that petitioner implicated with present case by creating false evidence. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence. Petitioner claimed clean antecedent.

6. Learned APP duly assisted by learned counsel Mr. Ashutosh Kumar, appearing on behalf of the informant, while opposing the prayer of bail submitted that victim categorically stated while recording her statement under Section 183 of the BNSS that petitioner under influence of alcohol who is her nephew committed rape upon her while she was working in field and asked this petitioner to go back home. It is submitted that upon forensic examination, semen was deducted on both Exhibits i.e. **Exhibit 'A'** which is petticoat of the victim and **Exhibit 'B'** which is the yello colour Rupa Jhanghia of the petitioner.

7. In view of aforesaid factual submissions and by taking note of aforesaid FSL finding and further by taking note of statement of victim recorded under Section 183 of BNSS, where she categorically stated against petitioner as to commit rape upon her under influence of alcohol, the prayer of bail of the petitioner stands rejected herewith for the present.



8. As the petitioner is in custody since 13.04.2025, the learned trial court is directed to conclude the trial within provisioned time line in terms of Section 346(1) of BNSS, failing which petitioner may renew his prayer of bail, if so advise.

(Chandra Shekhar Jha, J)

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