

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59199 of 2025

Arising Out of PS. Case No.-160 Year-2025 Thana- AMAUR District- Purnia

Tajammul S/o Late Mohiuddin R/o- Rangamati, P.S.- Amour, Distt.- Purnia

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-11-2025 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
Amaur P.S. Case No. 160 of 2025 registered for the offences
under Sections 126(2), 115(2), 303(2), 64, 76, 352, 351(2) 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 07.05.2025.

4. Allegation against the petitioner is to commit rape
upon the informant who is a married lady and aged about 34
years old while she was returning from her paternal home.

5. It is submitted by learned counsel appearing on
behalf of the petitioner that petitioner is son-in-law of the
informant/victim, which is an admitted position as per statement



of the victim recorded under section 183 of the B.N.S.S. and out of certain family dispute, he was implicated falsely with the present case. It is submitted that nothing incriminating surfaced during medical examination of victim, which suggest that the rape, as alleged, was committed upon her.

6. While concluding argument, it is submitted that 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 and, moreover, FIR in issue was lodged after seven days of the alleged occurrence without having any just explanation.

7. Arguing further, it is submitted by learned counsel that charge-sheet submitted in this matter in the early August, but even after passing of more than two months not even a single witness were examined and, thus, provisioned timeline as available under section 346(1) of the B.N.S.S. as to conclude the trial of such type of offence already appears crossed and, on this ground alone, petitioner deserves bail.

8. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

9. In view of aforesaid factual submission and by



taking note of the fact as petitioner is in custody since 07.05.2025, where not even a single prosecution witness examined till now, which *prima facie* appears in defiance with provisioned timeline as available under section 346(1) of the B.N.S.S., 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 Chief Judicial Magistrate, Purnea/concerned court, in connection with Amaur P.S. Case No. 160 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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