

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61514 of 2025

Arising Out of PS. Case No.-286 Year-2025 Thana- SIWAN CITY District- Siwan

Md. Ashif @ Md. Ashique Son of Late Abdullah Resident of Mohalla -
Sirsyed Chowk, Bishun Pakka More, Siwan, Police Station - Siwan Town,
District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Siwan
Town P.S. Case No. 286 of 2025 registered for the offences under
Sections 64, 76 and 351(2) of the Bharatiya Nyaya Sanhita.

3. The petitioner is named in the F.I.R. and is in custody
since 17.06.2025.

4. The allegation against the petitioner is to commit
rape upon informant aged about 21 years, who was working as
computed operator in his office against salary of Rs. 7,000/- and
when she asked to increase her salary she was raped by this
petitioner after offering adulterated juice.

5. Learned counsel appearing on behalf of the petitioner
submitted that as per statement of victim as recorded under
Section 183 of the BNSS it can be gathered safely that due to



dispute regarding dues and arrears present false case was lodged against this petitioner by informant/victim. It is submitted that for the alleged occurrence which took place in July, 2023 the present case was lodged on 13.04.2025 i.e., almost after two years. While concluding the argument it is submitted that after conclusion of investigation, charge-sheet was submitted on 15.07.2025 vide charge-sheet no. 494 of 2025, where not even a single prosecution witness was examined in this case, which is a complete defeat of provisions of Section 346(1) of the BNSS and in support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **P. Ramachandra Rao Vs. State of Karnataka, [(2002) 4 SCC 578]**.

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

7. In view of aforesaid factual submission and by taking note of fact as FIR in issue lodged after about two years of the occurrence primarily in the background of salary and its arrears dispute, coupled with the fact as petitioner remains in custody since 17.06.2025, where provisions of Section 346(1) of the BNSS as submitted aforesaid not appears complied, accordingly above named petitioner, is directed to be released on bail in connection with Siwan Town P.S. Case No. 286 of 2025 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Siwan/concerned court, subject to the conditions as mentioned under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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