

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65669 of 2025

Arising Out of PS. Case No.-50 Year-2025 Thana- PHENHARA District- East Champaran

DINANATH SAH S/o- Bacha Sah @ Bachcha Sah, R/o Village- Mankarwa,
P.S.- Fenhara Dist- East Champaran. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate
Mr. Shamir Mehra, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-11-2025 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner apprehending his arrest in connection with Fenhara P.S. Case No. 50 of 2025, registered for the offences punishable under Section 64 of BNS.

3. As per FIR, petitioner committed rape upon the widow daughter of the informant, aged about 30 years.

4. It is submitted by learned counsel appearing for the petitioner that as per statement of the informant, the present occurrence took place in the cottage belongs to one Bachha Sah and found that this petitioner was committing rape upon his widow daughter whereas, as per statement of victim recorded



under Section 183 of BNSS, the present occurrence took place in field, in view of same, it is submitted that two different place of occurrence makes the occurrence doubtful on its face, particularly when the informant being father of the victim claims himself as an eye-witness of the occurrence. It is submitted that victim girl was married thrice and when certain disputes surfaced out of her earlier marriage, this petitioner supported the opposite party during panchayati and out said enmities and oblique motive, the present FIR was lodged implicating petitioner without any reasons. Petitioner found involved in one more criminal case, where he is on bail.

5. Learned APP duly assisted by learned counsel Mr. Abhishek Kumar appearing on behalf of the informant, while opposing the prayer of bail submitted that the victim categorically supported the occurrence while recording her statement under Section 183 of the BNSS.

6. Considering the aforesaid facts and circumstances and by taking note of fact as the place of occurrence as per statement of informant who claimed himself to be the eye-witness of the occurrence and as per statement of victim recorded under Section



183 of BNSS *prima facie* appears different, making a doubt *qua* occurrence, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Rape & POCSO Cases) District & Addl. Sessions Judge at Motihari, District- East Champaran/concerned Court, where the case is pending in connection with Fenhara P.S. Case No. 50 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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