

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65208 of 2025

Arising Out of PS. Case No.-19 Year-2025 Thana- PATHAMARI District- Kishanganj

Habib Dilkhosh @ Habib Dilkash S/o Hanif @ Hanif Alam R/o Village -
Bhogdabar, Khekibasti Nonitara, Noniatari Pathamari, P.S - Pathamari,
Kishanganj, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Sinha

For the Opposite Party/s : Ms.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 20-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Pathamari P.S. Case No. 19 of 2025 registered for the offences under Sections 137(2), 140(3), 64(1), 126(2), 115(2), 117(2), 74, 76, 303(2), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita.

3. The petitioner is named in the F.I.R. and is in custody since 24.06.2025.

4. As per FIR, petitioner committed rape upon informant aged about 31 years, when she came out of her home at about 1:00 AM on 21.06.2025 to attend call of nature from where she was kidnapped by this petitioner and brought to Bidhan Nagar and was kept in hotel, where alleged rape was committed upon.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner was running CSP of SBI from where the informant took loan on certain occasions which on demand was refused to pay, therefore present false allegation was raised against petitioner purely on imaginary grounds. It is submitted that electronic evidence is not supporting the presence of petitioner with victim together as alleged. It is pointed out that independent witnesses not supported the occurrence of snatching of mobile as alleged. It is pointed that FIR in issue was lodged after two days of the occurrence as an afterthought and upon medical examination nothing incriminating found upon, which may support the occurrence on its face. It is submitted that after conclusion of investigation, charge-sheet was submitted long back, where not even a single prosecution witness was examined in this case till now, which is in complete defiance of provisions of Section 346(1) of the BNSS. While concluding the argument it is submitted that, petitioner is a man of clean antecedent and moreover, investigation of this case has already completed, and as such, there is no chance of tampering with the evidence.

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 the background in which accusation as alleged appears raised against petitioner which also not appears prima-facie corroborating with medical report, coupled with fact that not even single prosecution witness examined till now, which is in complete defiance of Section 436(1) of the BNSS, where petitioner remains in custody since 24.06.2025, accordingly above named petitioner, is directed to be released on bail in connection with Pathamari P.S. Case No. 19 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 SDJM, Kishanganj/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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