

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65267 of 2025

Arising Out of PS. Case No.-38 Year-2025 Thana- Sarbahada District- Gaya

Sharwan Kumar son of Yogendra Prasad, Resident of Village- kubri, Post-
Nekpur, Ps- Chhabilapur, Dist- Nalanda. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Advocate
		Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Neeraj Sanidh, Advocate
		Mr. Vivek Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-12-2025 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 Sarbahda
P.S. Case No. 38/2025 registered for the offence under Sections
64, 115(2), 126(2), 303, 351(2), 352, 3(5) of BNS.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 18.07.2025.

4. The allegation against the petitioner is to commit
rape upon the informant aged about 29 years, who is a married
lady, on the eve of Holi while this petitioner visited to the house of
the informant alongwith his friends. This occurrence took place on
the day of “Agza”, when the husband of the informant was outside
home. It is also alleged that before committing rape upon the
informant, vermilion was put on forehead of the informant by



petitioner and, subsequently, after committing rape, the petitioner captured the video of the occurrence on the basis of which threat was advanced as to make same viral and on pretext of threat on different occasions for long three years, petitioner committed rape upon the informant.

5. Mr. Rajendra Narayan, learned senior counsel arguing for petitioner submitted that the FIR itself suggesting of the fact that the informant/victim was in relationship for long three years with this petitioner who is none but the maternal uncle of the husband of the informant. It is submitted that admittedly the husband of the informant was present in village and was just outside home for sometime to celebrate “*Agza*” but nothing regarding occurrence was disclosed to him by the informant after his returning. It is submitted that only when the husband of the informant came to know about the relationship of informant with this petitioner, she was assaulted and to settle her life with this petitioner, the present false implication was raised. It is pointed that the factual aspects of this case suggests only extra marital affairs. 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 opposed the prayer of bail.

7. Mr. Niraj Sanidh, learned counsel appearing for the informant, while opposing the prayer of bail submitted that the allegation *qua* committing rape is specifically available against this petitioner, however, he could not disputed the factual submissions that the allegation was continued for long period. It is submitted that the occurrence also appears supported through statement as recorded under Section 183 of BNSS by the informant.

8. Let it be so, as the factual aspects of this case and admitted long relationship for about three years *prima facie* suggests relationship of the informant with petitioner is of nature of extra marital affairs, coupled with the fact that investigation of this case is already completed, where petitioner being man of clean antecedent, remains in custody since 18.07.2025, accordingly, petitioner above named, is directed to be released on bail in connection with Sarbahda P.S. Case No. 38/2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Gayajee/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS, with further condition that:-

That petitioner shall not interact with



informant/victim during the trial in any manner
or to influence any witness, failing which the
informant/State shall be at liberty to press for
cancellation of bail bond of the petitioner before
the learned trial court itself, which be decided,
after giving fair opportunity of hearing to the
petitioner.”

(Chandra Shekhar Jha, J)

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