

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68057 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- GAUNAHA District- West Champaran

Kismat Khan S/o Alamgir Khan Resident of Vill- Madhopur Bairiya, P.S.-
Gunaha, Distt- West Champaran, Bettiah (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with Gaunaha
P.S. Case No. 100 of 2025 registered for the offence under
Sections 126(2), 115(2), 64(1), 76, 352 and 3(5) of the BNS.

3. The petitioner is named in the F.I.R. and is in custody
since 02.07.2025.

4. As per FIR, petitioner alleged to commit rape upon
informant who is a married lady aged about 19 years, while she
was alone in her room on 30.06.2025 at about 8:00 PM.

5. Learned counsel appearing on behalf of the petitioner
submitted that informant is a married lady, but as she was in love
with petitioner prior to her marriage, now she is pressurizing this
petitioner to marry her after obtaining divorce from her husband
for which petitioner is not ready, therefore, on the imaginary



grounds present false implication was raised against petitioner. It is submitted that victim refused to join medical examination. While concluding the argument, it is submitted that petitioner found involved in one more case where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that allegation of committing rape is specifically available against this petitioner, which is duly supported by informant while recording her statement under Section 183 of the BNSS. It is submitted that non-joining of medical examination does not lead to conclusion *ipso-facto* that rape was not committed upon. It is also submitted that victim is desirous to marry petitioner.

7. In view of aforesaid factual submission and by taking note of nature of accusations, where informant being married lady is desirous to marry petitioner, coupled with fact that investigation of this case already completed where petitioner remains in custody since 02.07.2025, accordingly petitioner above named, is directed to be released on bail in connection with Gaunaha P.S. Case No. 100 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 J.M. 1st Class, West Champaran, Bettiah/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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