

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67823 of 2025**

Arising Out of PS. Case No.-6 Year-2025 Thana- MAHILA P.S. District- Kishanganj

Shamsheer @ Tamseer @ Master Shamsheer @ Tamseer, S/o- Tauhid Alam
@ Tauhid, R/o- Syedpur Gamhriya, P.S.- Kochadhaman, Dist- Kishanganj
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 13-11-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for the informant.

2. The accused/petitioner is named in the FIR and
apprehending his arrest in connection with Kishanganj Mahila
P.S. Case No.6 of 2025 registered under Sections 137(2),
351(2), 351(3), 64(1) and 352 of the Bhartiya Nyaya
Sanhita, 2023 (in short 'B.N.S.').

3. Allegation against the petitioner is to commit
rape upon informant who is 42 years old lady on false pretext
of providing address of her two major sons, who are said to
working somewhere in Surat, Gujarat.



4. It is submitted by learned counsel appearing for the petitioner that the petitioner is the cousin brother of the informant. It is pointed out that prior to this occurrence, the younger brother of this petitioner has lodged a case against the husband of informant, which was registered as Complaint Case No.641/2024 before the court of learned Chief Judicial Magistrate, Kishanganj and to counter the aforesaid case, the present case was lodged on imaginary basis. It is submitted that the son of informant also given one application to S.H.O., Kochadhaman on 31.07.2024 suggesting that the informant, who is his mother, raised false allegation against the petitioner. The said application is Annexure-4 series of present petition. Petitioner claimed clean antecedent. It is further submitted that after investigation, the police submitted final form against the petitioner but, the learned trial court going through the materials collected during investigation took cognizance against the petitioner for the offences punishable under Sections 126(2) and 64(1) of the B.N.S. vide its order dated 23.07.2025.

5. Learned APP duly assisted by Mr. Rohit Kumar,



learned counsel appearing on behalf of the informant while opposing the prayer of bail submitted that the allegation of rape is specifically available against this petitioner. However, he could not disputed the factual submissions as advanced by learned counsel appearing for the petitioner.

6. In view of aforesaid factual submissions and by taking note of fact as the police after investigation found this case false, coupled with the fact that the allegation *prima facie* also appears to be raised in the background of previous litigations, where the letter written by son of the informant to concerned S.H.O. also creates a doubt *qua* allegations, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Kishanganj in connection with Kishanganj Mahila P.S. Case No.6 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of



the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

