

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74818 of 2025

Arising Out of PS. Case No.-1241 Year-2024 Thana- COMPLAINT CASE District- Banka

Sumit Kumar Son of Late Rajendra Mandal Resident of village- Babu Tola,
Idgah Road, P.S. and Dist. - Banka. Petitioner/s

Versus

1. The State of Bihar.
2. Rubi Rani W/o Late Tarkeshwar Ram, R/o Village - Jagatpur, Ashramnagar,
P.S. and Dist. - Banka. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Ms.Usha Kumari 1, Spl. PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-11-2025 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 Complaint

Case No. 1241 of 2024, registered for the offence under Sections

376, 341, 504, 506/34 of I.P.C. and Sections 3(i)(r) SC/ST Act

and cognizance was taken under Section 376 of the IPC.

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

in custody since 14.08.2025.

4. The allegation against the petitioner is to commit

rape upon the informant aged about 48 years on false pretext of

marriage, as per the complaint case no. 1241 of 2024, which is

the basis of present FIR.

5. Learned counsel appearing on behalf of the petitioner



submitted that taking note of nature of allegation, one of the learned co-ordinate Bench of this Court granted anticipatory bail to this petitioner through Cr. Misc. No. 36731 of 2025 dated 18.06.2025, subject to verification of his criminal antecedent, which upon verification by learned trial court found that this petitioner was further involved in two cases. It is pointed out that considering the criminal antecedent, the aforesaid order loose its authority in terms of order itself. It is pointed out that if merit of case otherwise convincing in favour of the petitioner, merely on the basis of criminal antecedent, the prayer of bail of accused/petitioner should not be ordinarily declined and in support of this submissions, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Another*** reported in ***(2020) 11 SCC 648***. While concluding the 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.

6. Learned APP opposed the prayer of bail.

7. Considering the aforesaid factual submissions as petitioner was already granted anticipatory bail by one of the learned co-ordinate Bench of this Court and his prayer of



anticipatory bail was deemed cancelled only in view of his criminal antecedents, accordingly, petitioner above named, who is in custody since 14.08.2025 is directed to be released on bail in connection with Complaint Case No. 1241 of 2024 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.-1st, Banka/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)

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