

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9003 of 2025**

Arising Out of PS. Case No.-118 Year-2024 Thana- SIKRAUL District- Buxar

Shashikant Kumar, son of Lal Mohar Singh, R/o Village- Orapkhurd, P.S.-  
Sikraul, Dist- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar

2.  R/v- Orapkhurd , P.S -Sikraul  
District - Buxar

... .. Opposite Party/s

**Appearance :**

|                      |   |                            |
|----------------------|---|----------------------------|
| For the Petitioner/s | : | Mr. Sanjay Kumar, Adv.     |
| For the State        | : | Mr. Bharat Lal, APP        |
| For the O.P. No. 2   | : | Mr. Arun Kumar Gupta, Adv. |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

309-05-2025

Heard Mr. Sanjay Kumar, learned counsel for the  
petitioner, Mr. Bharat Lal, learned APP for the State and Mr.  
Arun Kumar Gupta, learned counsel for the O.P. No. 2.

2. Petitioner seeks regular bail in connection with  
Sikraul P.S. Case No. 118 of 2024 dated 15.09.2024 registered  
for the offences punishable under section 65(1) of the Bharatiya  
Nyaya Sanhita and section 4 of the Protection of Children from  
Sexual Offences Act.

3. As per prosecution story, the informant alleged that  
on 13.09.2024 at 4:30 A.M., when she had gone outside her  
house to attend the call of nature, the petitioner entered into his  
house and raped her daughter, who was 13 years at that time.



4. The main submissions advanced by petitioner's counsel are that as per the allegation, the alleged incident of rape took place on 13.09.2024 but the informant, who happens to be the mother of the victim, lodged the FIR by filing a written application on 15.09.2024 and one day after the registration of the FIR i.e. on 16.09.2024, the so-called victim was medically examined and the Doctor concerned did not find any sign of recent sexual assault on her body and no any injury mark on the person of the victim was found by the Doctor which falsifies the allegations, in fact the petitioner ran a grocery shop and there was a dispute of the payment of Rs. 2,000/- between the informant and the petitioner, due to which, a false story was prepared by the informant to create pressure upon the petitioner. It is further submitted that the trial of the petitioner has started and the victim has been examined and while recording her evidence, the victim's mother was present in the court room and some answers on important questions were given by the victim at the indication of the informant.

5. On the other hand, learned counsel appearing for the O.P. No. 2 has vehemently opposed the bail prayer of the petitioner and submits that the delay having taken place in the registration of the FIR has been explained in the FIR as at the



time of the occurrence, the informant's husband was out of the village and the victim was examined more than 72 hours after the commission of the alleged rape, so, there is no chance of availability of any sign of sexual assault on her body and during the trial, the victim has fully supported her allegation.

6. Learned APP for the State has also opposed the bail prayer of the petitioner.

7. Heard both the sides and perused the FIR and case diary. Having considered the seriousness of the allegation appearing against this petitioner and petitioner's counsel has not shown the convincing strong reason for false allegation of rape on the part of informant, in my opinion, it is not a fit case to grant the relief of bail to the petitioner at this stage. Accordingly, his prayer stands rejected.

8. The petitioner may renew his bail prayer after the examination of the informant, if she is not examined in the next six months then he may also renew his bail prayer.

**(Shailendra Singh, J)**

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