

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2383 of 2026

Arising Out of PS. Case No.-172 Year-2015 Thana- KHAJEKALA District- Patna

Badhan Mahto @ Badan Mahto S/O Late Badri Mahto R/O Vill.- Muraora,
P.S- Biharsharif, Dist- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Devi W/O Late Subhash Prasad R/O Vill.- Lala Toli, P.S- Khajekala,
Dist- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-01-2026 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Khajekala Police Station Case No. 172 of 2015, dated 01.08.2015, disclosing offences punishable under Sections 448/341/323/379/376/504/120(b) of the Indian Penal Code.

3. The prosecution case, as per the complaint-cum-First Information Report, the informant was married with one Subhash Prasad in the year 2005. The informant's husband died on 16.02.2014. After the death of her husband the behavior of accused persons changed and they even denied food and shelter to her and started torturing her and subsequently ousted her



from her family house. On 28.06.2015, while informant was at her parental house, the petitioner along with accused persons entered into her house and committed rape upon her.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this false case on the basis of false and concocted story due to dispute regarding property between the parties. Petitioner is the elder brother-in-law (*bhaisur*) of the informant and entire family members including the mother-in-law of the informant has been falsely implicated in the present case. He further submits that the allegation made in the FIR is highly improbable that her mother-in-law would tell her son to commit rape upon her daughter-in-law. The petitioner had no knowledge about the filing of the complaint and subsequent registration of the FIR under Section 156(3) of the Cr.P.C. When the police started searching for the petitioner, the petitioner came to know about the present case.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the genesis of occurrence and the fact that petitioner is the elder brother-in-law of the complainant/ informant and that both the parties are closely relative, having property dispute, made accused



including entire family, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna City, Patna, in connection with Khajekala Police Station Case No. 172 of 2015, subject to the condition laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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