

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4949 of 2026

Arising Out of PS. Case No.-133 Year-2025 Thana- ALAMNAGAR District- Madhepura

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Sujeet Kumar Son of Domi Mandal Resident of Village - Dimhawasa, Ward
No. - 04, P.S. - Alamnagar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisu Zzoha

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 01-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Alamnagar P.S. Case No. 133 of 2025 registered for the offence punishable under Sections 126(2), 115(2), 64, 352, 351(2), 351(3), 3(5) of the B.N.S., 2023.

3. The case of the prosecution, in short, is that the informant who is a married lady has been raped by the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that this case has been filed due to enmity and from perusal of the case diary, it will transpire that in



paragraphs 38 and 39, though, the witnesses have attempted to support the case of the prosecution. In paragraph 38 of the case diary, the witness has stated that he heard noise from the house of Sunil Kumar. He asked the neighbors and he came to know that the petitioner had committed rape while the victim had gone to ease herself. When the husband of the victim went to search for her, he heard the noise of the crime of his wife and saved her. The petitioner fled away from there. In para-39 of the case diary, another witness has stated that he came to know that such an occurrence has taken place but he has further stated that no other persons were involved except the petitioner. These are the witnesses who have supported the case and also the husband of the victim has supported the case of the prosecution, but these two witnesses have not disclosed as to who has told them regarding the occurrence. They are just hearsay witnesses. He further submits that from perusal of the medical examination report, it will transpire that the doctor conducting the medical examination of the victim has found no injury on any part of the body but has opined that symptoms of intercourse are present. He further submits that the victim is a married lady and such kinds of symptoms are bound to be found as she was living with her husband. He further submits that had there been any forceful



intercourse, there must have been some resistance and any injury on any part of the body, which is lacking in this case. He further submits that due to enmity, the whole family has been implicated in this case. Moreover, a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 31.07.2025.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, First Class, Udakishunganj, Madhepura in connection with Alamnagar P.S. Case No. 133 of 2025.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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