

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5392 of 2026

Arising Out of PS. Case No.-98 Year-2017 Thana- DERNI BAZAR District- Saran

Mithilesh Kumar @ Mithlesh Kumar S/o- Late Kapuri Rai R/o village -
Chhotka Baneya , P.s- Derni, District - Saran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. X D/o- Shivpujan Singh R/v- Ramjitpur Ps- Derni Dist- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the State	:	Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-01-2026 Heard Mr. Ravi Prakash, learned counsel for the

petitioner and Mr. Nitya Nand Tiwary, learned APP for the

State.

2. Petitioner seeks bail, who is in custody since
22.09.2023, in connection with Derni P.S. Case No. 98 of 2017,
F.I.R. dated 19.08.2017 registered for the offences punishable
under Sections 376/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he has
committed rape upon the victim.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offence as alleged in the F.I.R. Although the victim has supported the case of the prosecution in her statement which was recorded under Section 164 of the Cr. P.C./183 B.N.S., 2023 but the medical examination report of the victim reveals that she was 19 years of old at the time of examination and apart from aforesaid the medical evidence does not support the allegation as alleged in the F.I.R. against the petitioner and the petitioner is in custody since 22.09.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as medical evidence in the present case as well as period of custody, let the petitioner, above named, 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 learned 1st Additional Sessions Judge, Saran at Chapra in connection with Derni P.S. Case No. 98 of 2017, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

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

