

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12673 of 2026

Arising Out of PS. Case No.-409 Year-2025 Thana- BAIKUNTHPUR District- Gopalganj

Baljeet Sahani @ Baljeet Kumar S/O Harendra Sahani @ Harendra Kumar
Resident of Village- Usari, P.S.- Baikunthpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Sahni

For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 25-03-2026 1. 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 Baikunthpur Police Station Case No. 409 of 2025, dated 29.10.2025, disclosing offences under Sections 74/76/64(1) of the Bhartiya Nyaya Sanhita.
3. The prosecution case, as per the First Information Report, is that on 28.10.2025 at about 06:30 PM, after completion of work, the informant was going to attend nature's call in the field, at the same time, the petitioner forcibly took her in bathan (cow-shed) and locked her inside and committed illegal activity. After some time the father of the informant came and broke open the lock and took her along with him.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of concocted story on the account of the fact that there is a land dispute between his co-villagers, namely, Surendra Nath Pandey and Dharmendra Pandey and the mother of the petitioner in the court of Collector, Gopalganj bearing Jamabandi Appeal Case No. 15 of 2022 and the appeal of the co-villagers was rejected on 24.01.2023. He next submits that a title suit has also been filed having Title Suit No. 443 of 2022 which is pending for final disposal. He further submits that victim girl was medically examined on 29.10.2025 at 06:30 PM i.e. within 24 hours, but no spermatozoa was seen in the vaginal swab.
5. On the other hand, learned counsel for the State and informant vehemently opposes the prayer for anticipatory bail and submits that the victim girl is aged about 18 years and she has been raped by the petitioner which has been supported by the victim in her statement recorded under Section 183 of the of the Bhartiya Nagrik Suraksha Sanhita and the father of the victim girl has also supported the prosecution story. He further submits that



finding of spermatozoa in the vaginal swab within 24 hours may not be possible because the vaginal swab is acidic in nature. Referring to the Annexure-P/2 (medical examination report), learned counsel submits that hymen was found ruptured and pain and swelling was seen on scapular region by the doctor.

6. Regards being had to the submissions advanced by learned counsel for the parties and taking into consideration the fact that there is direct allegation of rape against the petitioner which has been supported by the statement of victim girl recorded under Section 183 of the Bhartiya Nagrik Suraksha Sanhita, I am not inclined to grant anticipatory bail to the petitioner.
7. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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