

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13236 of 2026

Arising Out of PS. Case No.-35 Year-2025 Thana- MAHILA PS District- Darbhanga

Shubham Kumar Sah, S/o Dinesh Sah @ Dinesh Shaw, Resident of Village -
Beuni Andama, Police Station- Fekla, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 15-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 64, 61(2), 81, 318 and 340 of the B.N.S. and Section 67/67(A) of the I.T. Act.

3. The case of the prosecution based on complaint petition, in short, is that the petitioner who is relative offered Maaza juice to the complainant and after consuming the same, she got unconscious and the petitioner established forceful physical relationship with her and also made video of the act. A *Panchayati* was also held for that. It is further alleged that the marriage of the complainant was solemnized with one Pravin Sah and after that, the petitioner has sent obscene videos on the



mobile of the husband of the complainant and on facebook and on Instagram.

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. Learned counsel for the petitioner has submitted that from perusal of his supplementary affidavit, it will transpire that prior to this case, the complainant of this case has filed a Cyber P.S. Case No. 66 of 2024 with similar nature of the allegation but in this case, she has added the allegation of rape also. It has further been submitted that in that case i.e. earlier case, petitioner is on bail and this case has been filed only with a motive to get the petitioner in jail. It has further been submitted that in earlier case, the complainant has not alleged the allegation of rape whereas in present case, she alleged the allegation of rape and the date of occurrence in both the cases is same. Petitioner is languishing in judicial custody since 07.11.2025.

5. Learned APP appearing for the State has vehemently opposed the application for bail and has submitted that in this case, there is allegation of rape against the petitioner.

6. Having heard the learned counsel for the parties, it



is clear that the allegation of rape according to the present complaint is of one year ago regarding which the complaint has been made after one year. Learned counsel for the petitioner has submitted that there is no explanation of delay.

7. Considering the above 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 Chief Judicial Magistrate, Darbhanga in connection with Mahila P.S. Case No. 35 of 2025.

(Ashok Kumar Pandey, J)

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