

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21571 of 2026

Arising Out of PS. Case No.-171 Year-2025 Thana- TARAIYA District- Saran

Bunilal Kumar Ram @ Buni Lal Ram @ Chuni Lal Ram S/o Late Kodai Ram
R/o Vill- Murlipur, P.S- Taraiya, Dist- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX W/o Harendra Ram R/o Taraiya, P.O.- Taraiya, P.s.- Taraiya, Distt.- Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-04-2026 Heard Mr. Jeetendra Narayan, learned counsel for the
petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner apprehends his arrest in connection with
Taraiya P.S. Case No. 171 of 2025 for the offence registered under
sections 115 & 65 of BNS.

3. As per the prosecution story, the complainant alleged
that the petitioner entered her room and forcibly raped her. As she
screamed, the locals arrived and both were found in naked condition.
The petitioner was taken to the Police Station but no FIR was lodged.
Finally, she filed the complaint.

4. Learned counsel for the petitioner submits that the
alleged occurrence took place on 20.10.2024 at 11 AM in the
morning but the complaint came to be filed seven months later on



16.05.2025. Both are major, it was a consensual relationship but as the villagers arrived, allegation of rape has come. The last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer submitting that the lady made statement under Section 183 of BNSS supporting the occurrence.

6. Having heard the parties, this Court has taken note of the delay in filing the complaint as also the fact that the petitioner do not have criminal antecedent and no reason has been given for filing complaint after the inordinate delay of seven months save and except the fact that the Police Station failed to lodge the FIR.

7. However, as the lady has made statement under Section 183 of the BNSS, this Court do not find it appropriate to extend the relief to him, which is accordingly rejected.

8. If the petitioner surrenders in next four weeks and files bail application, the Court concerned shall take into account the delay in lodging of the complaint as also the other points which may be available to the petitioner and incorporated in the bail application besides the fact that he has no criminal antecedent and shall pass an order preferably on the same day.

(Rajiv Roy, J)

Vijay Singh/-

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