

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26751 of 2026

Arising Out of PS. Case No.-87 Year-2025 Thana- MAHILA PS District- East Champaran

Md. Firoz @ Sonu Devan @ Firoj Alam Son of Wojair Devan @ Vajul Devan
Resident of Village- Damutola PS -Chakiya District -East Champaran
... .. Petitioner

Versus

The State of Bihar

.. .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-04-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Mahila P.S. Case No. 87 of 2025 registered for the offences punishable under Sections 64 of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and section 66(E) of the I.T. Act, pending in the court of learned S.D.J.M., East Champaran, Motihari.

3. As per FIR, petitioner committed rape upon the informant and also captured photos and videos of said private moment. It is alleged that petitioner threatened the informant to make the photos and videos viral through social media.

4. Learned counsel appearing on behalf of the petitioner submitted that even the FIR suggest that the informant who is more than 18 years was in talking terms with the petitioner, who



is working in Saudi Arabia. It is submitted that the informant was desirous to solemnize marriage with the petitioner much prior to the occurrence and as same was not accepted by the petitioner and his parents, the present false implication was raised.

5. In support of his submission, learned counsel drawn attention towards the statement of victim as recorded under section 183 of the B.N.S.S. where she categorically stated that she is desirous to solemnize her marriage with this petitioner. Explaining criminal antecedent, it is submitted that petitioner found involved in one more criminal case, where he is on bail.

6. Learned A.P.P. for the State duly assisted by learned counsel for the informant, while opposing the prayer of anticipatory bail of the petitioner, submitted that specific allegation of committing rape is available against this petitioner which is duly supported through statement of victim recorded under section 183 of the B.N.S.S. and, therefore, present is not a fit case to grant anticipatory bail. It is also pointed out that non-finding of any injury during the medical examination does not lead to conclusion *ipso facto* that rape was not committed upon the informant.

7. In view of aforesaid factual submission and by taking



note of the fact as allegation to commit rape is specifically available against this petitioner which is duly supported by the statement of the victim recorded under section 183 of the B.N.S.S., accordingly, prayer of anticipatory bail of the petitioner stands rejected.

(Chandra Shekhar Jha, J)

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