

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22757 of 2026

Arising Out of PS. Case No.-276 Year-2025 Thana- SATHI District- West Champaran

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1. Santosh Kumar @ Sntosh Kumar S/O Ashish Mahato @ Aashish Mahato
R/O Ward No.-4, Dharampur, P.S- Sathi, Distt.- West Champaran.
 2. Dharmendra Kumar @ Dhramendra Kumar S/O Hanu Mahto @ Hanu
Mahato R/O Ward No.-4, Dharampur, P.S- Sathi, Distt.- West Champaran.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Thakur Brajesh Singh, Adv.
For the Opposite Party/s	:	Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-07-2026 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Sathi P.S. Case No. 276 of 2025, registered for the offences under Sections 70(1), 351(2) of the BNS.

3. As per the prosecution case, the informant along with her husband and two children went to her parental home for celebrating Chhath. Her 19 year old daughter while going to her aunts house was forcibly taken away on 26.10.2025 to a secluded place by the petitioners who committed rape with her. When the informant returned from her parental home on 28.10.2025, she lodged the FIR.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have



been falsely implicated in this case. There is delay in lodging the FIR and it is not believable that the daughter of the informant was raped on 26.10.2025 but she did not raise any alarm and she did not inform any person in the locality. There is no satisfactory explanation for lodging FIR on 28.10.2025. The victim girl in her statement recorded under Section 183 of the BNSS has also stated about one Nipu Kumar who was present there along with petitioners and who threatened the victim but he was not made accused in the FIR. Learned counsel further submits that the doctor did not find any spermatozoa or any injury on private part or any other part and this falsifies the allegation of rape. Learned counsel further submits that there was dispute over payment of Rs.5,000/- between the victim and seized by petitioner no. 1 and for this reason they have been falsely implicated in this case. Learned counsel also submits that though the victim was major but she did not file any FIR and it is her mother who lodged this case and this creates doubt over the credibility of the present case. The petitioners are in custody since 07.11.2025 and charge sheet has been submitted. The petitioners have no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P.



submits that the FIR was lodged only after the mother returned from her parental home and considering the circumstances there is no material to doubt the allegation against the petitioners. Learned APP further submits that delay in lodging the FIR is apparent from the FIR itself. In the medical examination, hymen was found ruptured and the doctor recorded its opinion that possibility of recent sexual intercourse could not be ruled out. The statement of the victim girl was recorded under Section 183 of the BNSS wherein she specifically named the petitioners who pulled her to the ridges of the land and gagging her mouth, committed rape with her. Learned APP thus submits that the petitioners may not be enlarged on bail.

6. Having regard to the specific nature of allegation against the petitioners for committing the rape with the daughter of the informant, I am not inclined to enlarge the petitioners on bail and hence, the prayer for bail of the petitioners is rejected.

7. Learned trial court is directed to expedite the trial and conclude the same, at the earliest.

(Arun Kumar Jha, J)

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