

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29979 of 2026

Arising Out of PS. Case No.-138 Year-2025 Thana- NATIONAL HIGHWAY District-
Samastipur

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1. Md. Sawez S/O Md. Akhtar Resident of village- Bazidpur (Bajitpur), Sarsauna, P.S.- Bangra, District- Samastipur.
 2. Md. Chand S/O Shaukat Ali @ Pappu, Resident of village- Bazidpur (Bajitpur), Sarsauna, P.S.- Bangra, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. XYZ S/O ABC Resident of village- Bazidpur, Sarsauna, P.S.- Bangra, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ranjan Kumar, Advocate
For the Opposite Party/s	:	Mr.Ahmad Ali, APP
For the Informant	:	Mr. Dilip Kumar Roy, Advocate
		Ms. Sonia Narayan Sinha, Advocate
		Mr. Vishal Kumar, Advocate
		Mr. Abhishek Aryans, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-05-2026 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioners apprehending their arrest in

connection with N.H. Bangra P.S. Case No. 138 of 2025

registered for the offences punishable under Sections 376, 504,

509, 34 of IPC and under Sections 67 (A), 67B, of I.T. Act.

3. As per FIR, petitioners alongwith friend established

physical relationship with informant on 22.10.2022 and when the

marriage of informant was solemnized in year 2023, they made



objectionable video of their private moment viral and also sent the same to the husband of the informant.

4. It is submitted by learned counsel appearing on behalf of the petitioners that if the allegation as raised through FIR be accepted true, it can be gathered that these petitioners nothing committed wrong with informant despite their acquaintance prior to 22.10.2022 but the same is not the correct position as this informant lodged a criminal case against petitioner no. 2 in year 2021 itself which was registered as Mahila P.S. Case No. 75 of 2021 when the petitioner no. 2 was juvenile. It is submitted that the implication of petitioner no. 2 in the criminal case was made due to land dispute for which title suit no. 125 of 2024 is pending in the Court of Sub-Judge First, Samastipur. It is also submitted that in Mahila P.S. Case No. 75 of 2021 the petitioner no. 2 was acquitted, which was lodged by the informant, subsequently, he was also acquitted in N.H. Bangra P.S. Case No. 131 of 2020 and also in N.H. Bangra P.S. Case No. 07 of 2021. Explaining criminal antecedent, further it is submitted that N.H. Bangra P.S. Case No. 78 of 2024, the petitioner no. 2 is on bail, which was lodged by Md. Usman, grandfather of the informant, whereas N.H. Bangra P.S. Case No. 111 of 2024 was also lodged by the informant's side, where the



informant is Saimada Khatoon of village Bazidpur Sarsauna and, thereafter, one case N.H. Bangra P.S. Case No. 60/2021 was lodged against petitioner no. 2 by cousin uncle of the informant, where he is also on bail. It is submitted that the father of the informant by using informant, her sister, grandfather and other relatives lodged several criminal cases against petitioner no. 2 in which litigation is pending before the appropriate court as mentioned aforesaid. It is submitted that effectively after acquittal in three matters his criminal antecedent can be said effectively of three cases only, where he is on bail and same appears to have been lodged by the informant and her family members.

5. While concluding the argument, it is submitted that the FIR in issue was lodged after three years of occurrence as the occurrence of the alleged rape is stated to have taken place on 22.10.2022, whereas the FIR in issue was lodged on 05.12.2025 i.e. after three years in a very planned and formulated manner with an oblique motive just to create a legal pressure to compromise the title suit pending between the parties.

6. Arguing further, it is submitted that petitioner no. 1, Md. Sawez is a man of clean antecedent and being cousin brother and friend of petitioner no. 2 he has been falsely implicated. It is



submitted that the allegation of making objectionable video viral is mere an allegation as no documentary evidence was found annexed in support of the allegation.

7. Learned APP, duly assisted by learned counsel Ms. Sonia Narayan Sinha, appearing on behalf of the informant, while opposing the prayer of bail submitted that the allegation to make an objectionable video viral is specifically available against petitioners, however, she could not disputed the FIR, which was earlier lodged by the same informant in year 2021, whereafter, after facing of trial, the petitioner no. 2 was acquitted by the Juvenile Court. The pending title suit was also not denied.

8. In view of aforesaid factual submissions and by taking note of the fact as *prima facie* the case lodged by the same informant as Mahila P.S. Case No. 75 of 2021 against petitioner no. 2 creates a doubt qua present allegation, which also appears lodged after three years of the occurrence, without any just explanation, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Spl. Judge



(Rape and POCSO) Samastipur, where the case is pending in connection with N.H. Bangra P.S. Case No. 138 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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