

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29705 of 2026

Arising Out of PS. Case No.-3 Year-2026 Thana- SUKHANI District- Kishanganj

Salam S/o Kalu Mohammad R/o Village - Bashbari Barah Pothia, P.S. - Sukhani, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-05-2026 Heard Mr.Ram Prawesh Kumar, learned counsel for the petitioner, learned counsel for the informant and Mr.Sanjay Kumar Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since 14.01.2026 in connection with Sukhani P.S. Case No. 03 of 2026, F.I.R. dated 13.01.2026 registered for the offence punishable under Sections 64(1), 126(2), 76, 352, 251(2) of BNS.

3. The informant has given a typed application before the officer in charge of police station and stating therein that the informant marriage took place before ten years and from the wedlock two children were born and the cousin dever has kept evil eye on the informant and always misbehave with me and on



protest even after he was committed rape against her will and when the informant denied then given threatening to kidnap her children and also viral the video. It is further alleged on 03.01.2026 the informant went to bring the cattle food in Bashbaria and the accused also committed rape and also given threatening to kill him and her husband. It is further alleged that the accused came in her house in absence of her husband and caught and fell down on the earth and started forcibly then make a noise then mother of the informant came there and save her and on hulla the accused fled away from the place of occurrence and when the husband came then the informant narrated the whole story.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the informant/victim is sister-in-law of the petitioner and her statement was recorded under Section 183 of BNSS, 2023 in which she has not supported the case of the prosecution. The police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 14.01.2026.

5. Learned counsel for the informant submits that he



has instruction that not to oppose the prayer for bail of the petitioner and informant has filed an affidavit which is kept at Flag- A of the bail petition.

6. Considering the aforesaid facts, petitioner has clean antecedent and the victim has not supported the case of the prosecution in her statement under Section 183 of BNSS,2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Kishanganj, in connection with Sukhani P.S. Case No. 03 of 2026, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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