

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29158 of 2026

Arising Out of PS. Case No.-61 Year-2025 Thana- MAHILA P.S. District- Madhubani

Shashikant Kumar @ Shashikant Mahto Son of Rajendra Mahto Resident of
Village - Kaithahi, Police Station - Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Md. Soban Asghar, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 17-06-2026 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhubani Mahila P.S. Case No. 61 of 2025, F.I.R dated 15.10.2025 registered for the offences punishable under Sections 64, 351(2) of the Bharatiya Nyaya Sanhita, 2023.

3. According to prosecution case, when the mother of the informant went for singing in marriage ceremony, the petitioner entered in the house of the informant and forcibly raped the informant by closing her mouth with clothes. Further, the petitioner has threatened that if she discloses the matter, he will kill the brother of the informant. According to doctor, the victim is pregnant.

4. Learned senior counsel for the petitioner submits that the false allegation of rape has been levelled against this petitioner for malicious reasons and the occurrence is said to



have taken place on 20th of May, 2025 as stated in the FIR while the FIR has been instituted on 15.10.2025, almost after five months of the alleged occurrence, which clearly shows that there has been an afterthought and a ploy to implicate this petitioner and there is no plausible explanation for such delay. It has next been submitted that during course of investigation, it has cropped up that the informant and this petitioner were in contact, which is evident from the C.D.R. which has been placed in the case diary, which shows that the informant was constantly in touch with this petitioner since 06.04.2025 and this fact has been concealed by the informant, while recording her statement under Section 183 of the B.N.S.S., and these material facts are missing. It has next been submitted that as per allegations the pregnancy has also been terminated and there is no material to show that the informant was ever pregnant except the allegations of physical relations having been established. As per, Para 42 of the case diary which is the conclusion of the Medical Board which goes to show that there is no medical evidence of sexual assault found at the time of examination. The learned senior counsel for the petitioner further submits that the petitioner is innocent and has not committed any offence as alleged in the FIR and he has been falsely implicated in this



case. The petitioner has got clean antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that there is unexplainable delay in lodging the F.I.R. i.e., after five months from the date of alleged incident, according to the Medical Board, there is no medical evidence of sexual assault found at the time of examination, and the fact that the petitioner and the informant were in touch from before, the petitioner has got no criminal antecedent, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, 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 the Court of learned District & Additional Sessions Judge-V, Madhubani, in connection with the aforesaid P.S. Case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-



(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Ajit Kumar, J)

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