

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31604 of 2026

Arising Out of PS. Case No.-431 Year-2025 Thana- SULTANGANJ District- Bhagalpur

Hemant Kumar S/o Shashi Kumar Manjhi Resident of Village - Nosar,
Nonsar, Police Station - Sultanganj, Dist. - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

3 24-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sultanganj P.S. Case No. 431 of 2025 dated 27.09.2025 registered for the offences punishable under Section 64 of B.N.S.

3. As per the allegation, on 26.09.2025 at 12:00 AM, the informant went out to attend the call of nature then this petitioner who is a neighbourer indulged with her in indecent act and when the informant/victim protested the act of the petitioner then this petitioner forcibly committed rape upon her.

4. Learned counsel for the petitioner referring to the statement of the victim/informant recorded under Section 183 of



BNSS has submitted that there is complete contradiction in the written report of the informant/victim and her statement recorded under Section 183 of BNSS. It has further been submitted that in the FIR, the informant in her written report, has alleged that when she went out to attend the call of nature, the petitioner ravished her but drawing the attention of this Court to the statement recorded under Section 183 of BNSS, the learned counsel for the petitioner has further submitted that on 26.09.2025 at 12:00 AM, this petitioner called her, while this petitioner was boy-friend of the victim girl and he had called her on that point of time with the intention of marrying her and soon she reached near the pond, this petitioner forcibly opened her cloth and ravished her. Learned counsel for the petitioner has further submitted that, the victim girl who claimed to be a major lady aged 20 years in the FIR has given a complete contradictory statement and a plain reading of the statement of the victim recorded under Section 183 of BNSS goes to show that the petitioner and the victim/informant were in love with each other. It has further been submitted that the informant ought not to have left the house at 12:00 in the night on the calling of the petitioner and thus it's an improbable story. Moreover, in the FIR, she stated that she had gone to attend the



call of nature, so the statement of the victim does not inspire confidence. Learned counsel for the petitioner referring to the medical report has submitted that there are no external or internal injury on the person of the victim and hence the allegation with respect to physical assault does appear to be true. It has further been submitted that petitioner has no criminal antecedent and he is in judicial custody since 17.12.2025. It has lastly been submitted that charge-sheet has been filed in this case and there is no allegation of tampering against the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for regular bail of the petitioner.

6. Heard learned counsel for the parties and perused the records.

7. Considering the facts and circumstances of the case and the contradictory statement of the victim/informant in the written report and well as the statement recorded under Section 183 of BNSS, the petitioner above-named is directed to be enlarged on bail on furnishing bail-bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhagalpur in connection with Sultanganj P.S. Case No. 431 of 2025.



8. The application stands allowed.

(Praveen Kumar, J)

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