

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32730 of 2026**

Arising Out of PS. Case No.-77 Year-2026 Thana- AMDABAD District- Katihar

Samojit Mahaldar @ Somojit Mahaldar, S/o Rama Mahaldar @ Ram Kumar Mahaldar, Resident of Village- Mayamari, P.S.- Amdabad, District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Md. Musowir, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 20-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Amdabad P.S. Case No.77 of 2026 registered under Sections 332(b), 64 and 352 of the Bhartiya Nyaya Sanhita, 2023 (in short 'BNS').

3. Allegation against the petitioner is to commit rape upon the informant.

4. It is submitted by learned counsel appearing for the petitioner that the informant is a married lady aged about 23 years and mother of two childrens. It is further submitted that the informant has extra-marital affairs with this petitioner and when on one occasion they were together in room, they



were apprehended by in-laws family members. It is further submitted that the husband of informant remains in Goa, in connection with his professional engagement. It is pointed out that there was no protest, no forceful entry and no such incriminating materials surfaced which may suggest that the rape was committed upon informant rather the statement of in-laws recorded under Section 180 of the BNSS categorically suggest that petitioner was apprehended while making physical relationship with informant, who is their daughter-in-law. It is also pointed out that after the occurrence, the informant went to her paternal village. It is also pointed out that the FIR was lodged only after nine days as an after thought to save the social reputations by giving the colour of rape to extra-marital affairs of the informant and petitioner. Moreover, petitioner claimed clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of the statement of in-laws family members who were present at the time of occurrence in the house did not support the occurrence prima facie as rape rather they found informant and victim in nude and objectionable conditions



suggesting prima facie their relations as of extra marital affairs, accordingly, the petitioner, above-named, who is a man of clean antecedent, is directed to be released on bail, in the event of his arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Katihar connection with Amdabad P.S. Case No.77 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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