

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36836 of 2026

Arising Out of PS. Case No.-90 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Shubhakant Rajak @ Shubha Kant Kumar Rajak, S/o Rakesh Raushan @
Sikandar Rajak, R/o Village - Manssurchak, Ward No. 7, P.S. - Mansurchak,
District – Begusarai Petitioner

Versus

1. The State of Bihar
2. XXXX, D/o Raj Kumar Rajak, R/o Village - Bibhutipur, Ward No. 10, P.S -
Bibhutichak, District - Samastipur Opposite Parties

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-06-2026 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 Bibhutipur P.S.
Case No.90 of 2023 registered under Sections 376, 420,
365(A), 511, 148 and 149 of the Indian Penal Code.

3. Allegation against petitioner is to commit rape
upon complainant/informant on false pretext of marriage on
several occasion between 20.12.2020 to 04.01.2023. The
informant claimed that on the date of occurrence she was
minor as she born in the year 2006.

4. It is submitted by learned counsel that the



present FIR was lodged on the basis of Complaint Case No.14 of 2023. It is pointed out that as per complaint, the last occurrence alleged to be taken place on 04.01.2023, after which the present complaint case was filed on 06.02.2023 i.e. almost after one month, which primarily suggest false implication of petitioner as a matter of afterthought. In support of his submission, learned counsel has referred paragraph 79 of the case diary, where statement of victim under Section 183 of the BNSS appears recorded, where she categorically stated that she was in relationship with petitioner since 20.12.2020 and also solemnized marriage with this petitioner who subsequently deserted her. It is submitted that in view of her statement the allegation of physical relationship as alleged to established on false promise of marriage appears not convincing and it is case of purely matrimonial discord out of desertion. Taking further reference of the aforesaid statement, it is submitted that the victim herself stated that she is not desirous to continue her married life with this petitioner. Petitioner claimed clean antecedent.



5. Learned APP opposed the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of statement of victim as recorded under Section 183 of the BNSS, which categorically suggest that the marriage of victim was solemnized with this petitioner and she herself is not willing to continue matrimonial life with him, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released 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 the learned Additional Chief Judicial Magistrate, Rosera (Samastipur) in connection with Bibhutipur P.S. Case No.90 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short 'CrPC')/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short 'BNSS').

(Chandra Shekhar Jha, J.)

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