

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40481 of 2026

Arising Out of PS. Case No.-56 Year-2025 Thana- MAHILA PS District- Gaya

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Sujeet Paswan @ Sujit Kumar S/o Late Shankar Paswan @ Shakti Paswan
R/o vill- Neema, P.S.- Gaya Muffasil, Distt.- Gaya ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Swati Parmar, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 31-07-2026 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Mahila P.S. Case No.56 of 2025 registered for the offences punishable under Sections 115(2), 351(1), 352 and 64 of the BNS.

3. The prosecution case, as alleged in the FIR, is that in the night of the fateful day, while the informant was alone in her house, the petitioner entered the premises, assaulted her, and committed rape upon her.

4. Learned Advocate for the petitioner, while drawing the attention of this Court to the allegations made in the FIR, submitted that the alleged occurrence took place on 16.11.2025, whereas the FIR came to be instituted only on 01.12.2025, after an unexplained delay of fifteen days. It is further contended that



the prosecution case is rendered doubtful in view of the material contradictions on record. Learned counsel pointed out that the informant has specifically alleged in the FIR that upon her raising alarm, one Girja Devi, a co-villager, rushed to the place of occurrence and witnessed the incident, whereupon the petitioner also abused her. However, when the statement of the said witness was recorded during investigation, she categorically denied having been present at the place of occurrence on the alleged date. So far as the medical evidence is concerned, it is argued that the victim was medically examined only after a delay of sixteen days from the date of the alleged occurrence. Moreover, the petitioner is a man of fair antecedent.

5. On the other hand, learned Advocate for the State vehemently opposed the prayer for anticipatory bail and submitted that there is a specific accusation against the petitioner of committing rape upon the informant and the medical report suggests that there is a definite sign of penetrative sexual assault and the possibility of rape cannot be ruled out.

6. Having considered the rival submissions and taking note of the inordinate and unexplained delay in lodging the FIR, the statement of the alleged eye-witness, Girja Devi, which does



not support the prosecution case, and the fact that the victim was medically examined after a considerable lapse of time, though the doctor has opined that the possibility of rape cannot be ruled out, as also the age of the victim is stated to be about 19 years and the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Gayaji in connection with Mahila P.S. Case No.56 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further following conditions:-

(i) One of the bailors shall be the own/close family members of the petitioner.

(ii) If the petitioner is found involve in intimidating/ threatening the witnesses or the informant or would indulge in such activities in future, the informant/State shall be at liberty to file appropriate application for cancellation of his bail bond(s).

(Harish Kumar, J)

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