

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40175 of 2026

Arising Out of PS. Case No.-4 Year-2026 Thana- MAHILA P.S. District- Purnia

Parwesh Kumar @ Parwesh Kumar Rocky @ Prawesh Kumar Rocky, S/o
Shivanand Modi, R/o Village - Ward No.08, Modi Tola, P.S. - Kasba, District
- Purnea

... .. Petitioner

Versus

1. The State of Bihar
2. Ritu Kumari, D/o Munna Prasad Sah, R/o Village - Madarghat Ward No. 19,
P.S. - Kasba, District - Purnea

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, APP
For the Informant	:	Mr. Rakesh Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State duly

assisted by learned counsel for the informant.

2. The accused/petitioner is named in the FIR and

apprehending his arrest in connection with Mahila P.S. Case

No.04 of 2026 registered under Sections 64 and 123 of the

Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. Allegation against petitioner is to commit rape

upon informant in the year 2021, while she visited the house

of the petitioner, who is cousin brother-in-law (Jija) and also

to capture the obscene photographs. It is alleged that rape



was committed after making her unconscious. It is also alleged that the petitioner regularly thereafter threatening her to make the video viral, who alleged to made viral in the year 2026, whereafter the present FIR was lodged.

4. It is submitted by learned counsel appearing for petitioner that admittedly the petitioner is a relative of the informant and due to certain family disputes, he was implicated falsely after taking advantage of home visit of petitioner by informant/victim in August 2021. It is pointed out that for long five years, no allegation was raised and in the year 2026, due to certain family disputes, the present false allegation was raised. It is also pointed out that even from the statement of victim recorded under Section 183 of the BNSS, it cannot be gathered safely that the rape/penetrative sexual assault was committed upon her. It is submitted that the victim was major even in the year 2021, as by the time of lodging FIR, she was of 23 years and, therefore, it can be said that this is a case, maximum of extra marital affairs. It is submitted that when petitioner persuaded the informant to meet him after fixing of marriage



of informant with someone else, the present false case was lodged under apprehension that she might be defame.

5. Arguing further, it is submitted that the dispute and differences, which creates misunderstanding between the parties now appears compromised. The petitioner claimed clean antecedent.

6. Learned APP duly assisted by Mr. Rakesh Kumar Jha, learned counsel for the informant while opposing the prayer of bail also submitted that the dispute and differences, which creates misunderstanding between the parties now appears compromised.

7. In view of aforesaid factual submissions and by taking note of fact as FIR in issue was lodged after five years of the alleged occurrence, where admittedly the parties are relatives, coupled with the fact that the disputes and differences now appears compromised between the parties in view of the submission made by learned counsel for the parties, 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 Chief Judicial Magistrate, Purnea in connection with Mahila P.S. Case No.04 of 2026, 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.)

Sanjeet/-

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