

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69296 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- PIPRASI District- West Champaran

Suryabhan Nishad S/o Bhagirath Bin Resident of Village - Bahariasthan, P.S -
Piprasi, District - West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Laxmi Kuamri D/o Vicky Prajapati R/o Village - Mohamadpur, P.O -
Jhilmila, P.S - Raipur, District - Bijnaur (U.P) At present R/o - Gaziabad,
Krishna Garden Colony

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prithvi Nath Mishra, Adv.
For the State : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 11-03-2026 Heard learned counsel for the petitioner and learned
APP for the State. No one appears on behalf of opposite party
no.2 despite valid service of notice.

2. A prayer for bail has been made on behalf of the
petitioner in connection with Piparasi P.S. Case no.16 of 2025
registered under sections 65(1), 123 of BNS, 2023 and Section 4
of POCSO Act.

3. Allegation in the F.I.R is that petitioner committed
rape with the victim/informant.

4. Learned counsel for the petitioner submits that it is
actually the petitioner who fell into trap of the victim/informant
as he had gone along with the victim on her saying and thereafter
the present case was filed by the informant implicating him as an
accused. The statement of the victim recorded under Section 183
of BNSS is also vague and suspicious as it has been alleged that



she was standing at the Gorakhpur Station and randomly asked the petitioner about some train and then went along with him to his house where rape was committed with her. Further, medical report also indicates that there is no evidence of any recent sexual assault and no injury was found on the private parts of the body as also no spermatozoa was detected in the vaginal swab. The petitioner is in custody since 12.02.2025 with no criminal antecedent and undertakes to cooperate in the case/trial.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Taking into consideration the aforesaid facts and circumstances of the case and especially considering medical report as well as suspicious nature of statement of the victim coupled with the fact that petitioner is in custody for more than a year with no criminal antecedent, the petitioner is directed to be enlarged on bail in connection with Piparasi P.S. Case no.16 of 2025 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 Court concerned where the case is pending/successor Court.

(Soni Shrivastava, J)

Harsh/-

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