

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77304 of 2025

Arising Out of PS. Case No.-1732 Year-2024 Thana- PHULWARISHARIF District- Patna

Sanjeet Kumar @ Sanjeet Ram @ Sanjeet S/o Late Sidheshwar Ram R/o
Mohalla- Nat Toli, Khagaul Lakh, P.S.- Phulwarisharif, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offence punishable under Sections 70(1) of the B.N.S.

3. Petitioner is said to have committed rape with the
informant.

4. Learned counsel for the petitioner submits, at the
outset, that the FIR is a totally concocted and belated document
inasmuch as while the occurrence took place on 31.12.2024 and
according to her own assertion, she had fled away on
01.11.2024 yet the information was given to the police on
05.11.2024 and the formal FIR was registered on 11.11.2024
which was received in court on 14.11.2024. Such a delay in
lodging of the information to the receipt of the FIR in the court
makes the entire case of the prosecution suspicious. It is further



submitted that the informant, who is a lady aged about 45 years has specifically taken the name of two persons who were sitting in the tempo along with their details, one of them being the petitioner, which makes it clear that the petitioner and others were known to her. As a matter of fact, the petitioner happens to be a close relative of the informant as the son of the informant and the petitioner are brother-in-law (Sarhu). Further, the medical report also indicates that there is neither any mark of violence found on her body nor any sign of sexual assault. Further, statements of daughter and son-in-law of the informant recorded in paragraph-8 and 9 of the case diary also indicates that they did not report any matter to the police and rather stated that the petitioner is related to them and is on visiting terms and they had strained relationship. It has been submitted that since the petitioner was known to the informant/victim and was also on visiting terms, there is no reason why he would commit any such act with the petitioner. Moreover, the petitioner is in custody since 29.03.2025 and charge-sheet has been submitted.

5. Learned APP for the State has opposed the application for bail on the ground that there are allegations in the First Information Report supported by the statement under



Section 183 of the B.N.S.S.

6. Taking into consideration the facts and circumstances and also considering the factum of delay caused in lodging of the First Information Report coupled with the fact that the petitioner and the victim are both related and medical evidence also does not show any sign of violence etc, let the above named petitioner, who has no criminal antecedent, be enlarged 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 court below where the case is pending/successor court in connection with Phulwarisharif P.S. Case No. 1732 of 2024, subject to the conditions that the petitioner shall appear on each and every date till conclusion of trial and if the petitioner does not appear on two consecutive dates without any substantial and satisfactory reason, the learned court below would be at liberty to cancel his bail bonds.

(Soni Shrivastava, J)

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