

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89056 of 2025

Arising Out of PS. Case No.-208 Year-2024 Thana- GWALPARA District- Madhepura

Manish Thakur, Son of Dhunmun Thakur Resident of village - Gwalpura
Ward No.- 6, P.S.- Gwalpara, District – Madhepura. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bambahadur Jha, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Gwalpara
P.S. Case No. 208 of 2024 registered for the offence under
Sections 126(2), 127(2) and 70(2) of the BNS.

3. The accused/petitioner named in the F.I.R. and is in
custody since 24.11.2024.

4. As per FIR, petitioner alongwith co-accused persons
committed rape upon the informant aged about 25 years, who is
married and wife of one Siyaram Suthiar.

5. Learned counsel appearing on behalf of the petitioner
submitted that the statement of victim who is the author of
present FIR improved on major aspects of the occurrence while
recording her statement under Section 164 of Cr.P.C./183 of the
BNSS *qua* the manner of the occurrence, what she narrated



through FIR. It is pointed out that FIR in issue was lodged with a delay of two days i.e. for occurrence dated 08.10.2024, the FIR was lodged on 10.10.2024. It is submitted that as per FIR, the husband of the informant was confined in the house whereas as per 183 statement, he was took outside the room and was tied with a tree by rope and, thereafter the rape was committed upon the informant on gun point. It is submitted that in fact it is a case of extra marital affairs and when the relationship came into knowledge of the husband of the informant/victim, the present false case was lodged.

6. Arguing further, it is submitted that even the identification of petitioner appears doubtful in view of Section 183 of BNSS for the reason that the informant categorically stated thereof that she identified petitioner by his face as during the occurrence the mask of the face was removed but through same statement she also said that she came to know about the name of the petitioner during the day.

7. It is further argued by learned counsel that upon medical examination, no injury in or around private part of the body of victim was noticed, which also creates a doubt *qua* allegation of rape. It is also submitted that the delay of two days as to lodge present FIR after the occurrence is not appears



explained through FIR. While concluding argument, it is submitted that investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence and, moreover, till now only two prosecution witnesses appears examined in this case, suggesting sufficiently that trial of this case is not likely to be concluded in near future.

8. Learned APP while opposing the prayer of bail submitted that allegation of rape is specifically available against petitioner. It is submitted that this is a case of gang rape.

9. Considering the aforesaid factual submissions and by taking note of fact as *prima facie* version of victim while recording her statement under Section 183 of BNSS, explaining the occurrence appears improved on major points over the narration as made available by her while authoring the FIR, coupled with the fact that investigation of this case completed long back, and the petitioner remains in custody since 24.11.2024, where trial is also not likely to conclude in near future, accordingly, petitioner above named, is directed to be released on bail in connection with Gwalpara P.S. Case No. 208 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions



Judge-I cum Special Judge Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS, with further conditions that:-

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) If petitioner made any deliberate attempt to delay trial, State/informant shall be at liberty to press petition before the learned trial court for cancellation of bail bond of the petitioner by learned trial court itself, which shall be decided by learned trial court, in accordance with law after giving fair opportunity to petitioner.

(Chandra Shekhar Jha, J)

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