

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80889 of 2025

Arising Out of PS. Case No.-113 Year-2025 Thana- SIWAIPATTI District- Muzaffarpur

Shivshankar Sah @ Bhagat Son of Vindeshwar Sah @ Bindeshwar Sah
Village- Madhaipur PS -Siwaipatti Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Wife of Sukindra Ray Resident of village- Bariyarpur, Ps- Tariyani, Dist- Sheohar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 17-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Siwaipatti P.S. Case No. 113 of 2025 registered for the offence punishable under Sections 117(2), 64, 351(2) of the B.N.S., 2023.

3. The case of the prosecution, in short, is that the petitioner is practicing exorcism and that the informant was having pain in her shoulder and stomach. She was also six months pregnant. She, along with her husband, went to the petitioner. It is alleged that the husband was kept at some far place and the petitioner, in the garb of exorcism, committed rape



on two days.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He also submits that on the second occasion, the petitioner gave tooth bite on the chest of the informant. He also submits that from perusal of the FIR, it is clear that the occurrence is from 20.06.2025 to 22.06.2025, whereas the FIR has been lodged on 30.06.2025. There is a delay of seven days in lodging the FIR, and the delay is not explained. He also submits that due to the invention of the well-wishers, parties have compromised the case and a compromise petition has been filed in the learned trial court. He further submits that a statement has been made in para 3 of the petition that petitioner has no criminal antecedent and he is languishing in judicial custody since 01.07.2025.

5. The application for bail is vehemently opposed by the learned counsel for the informant and the learned APP for the State. Learned counsel for the informant has submitted that the parties have compromised the case. During the course of the investigation, the victim has given her statement before the police recorded under Sections 180 and 183 of the BNSS, wherein she has supported the case of the prosecution and has



specifically stated that the petitioner has committed rape with her and has given her tooth bite on the chest. From perusal of the medical examination report also, it will transpire that the doctor conducting the medical examination of the informant has found biting mark on the breast. The learned APP for the State has stated that in the garb of exorcism, the petitioner has committed rape with the victim. As far as the delay in lodging the FIR is concerned, it is stated that as the victim is illiterate, the delay has been caused.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail at this stage, however, the petitioner will be at liberty to renew his prayer for bail after six months if the trial is not concluded.

7. Accordingly, the prayer for regular bail of the petitioner is hereby rejected.

(Ashok Kumar Pandey, J)

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