

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89077 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- ISHAKCHAK District- Bhagalpur

Md. Shamshad Son of Md. Asmad @ Md. Ahmad Resident of Mohalla-
Brahmpura Chandni Chowk Police Station- Ishakchak, Dist- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sajia Khatoon w/o- Sahnawaj Khan, resident of mohalla Brahmpura, parnwati Lane P.S Ishakchak district- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Manoj Kumar
For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

7 12-02-2026 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Section 376 of the Indian Penal Code.

3. As per prosecution case, petitioner entered into the house of the daughter of the informant and committed rape with her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case on account of some oblique motives and even considering the allegations, no case of forceful establishing of any physical relationship appears to have surfaced. It is further submitted that the petitioner was an electrician and on account of some dispute that had taken place, the present false case has been lodged against him. Further, the



medical report indicates that no spermatozoa was found nor any external injuries were noted on the private parts of the victim and her age was found to be above 18 years. Further, submission is that the FSL report dated 18.04.2025 also indicates that no blood and semen could be detected in the exhibit marked A and B. The petitioner is in custody since 01.07.2024 and the charges have been framed.

5. Learned APP for the State and learned counsel for the informant, however, strongly opposed the application for bail. It has been submitted on behalf of the informant that the informant is a disabled lady and has been subjected to rape.

6. After hearing the rival contentions made by the parties and having gone through the records of the case, it appears that this Court has noted that the medical evidence does not stand in corroboration with the oral allegations and even going by the statement of the victim recorded under Section 183 of the BNSS, it appears that the victim was a pregnant lady and she has not disclosed any forceful sexual assault made by the petitioner. She has rather stated that she had called her mother and had related the incident to her husband but he did not pay any heed to the same.

7. Thus, taking into consideration all the above-mentioned facts and circumstances and also considering that neither the medical report nor the FSL report indicates any sexual



assault upon the victim and further considering that the charges have already been framed, 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 Ishak Chak P.S. Case No. 129 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.

8. However, learned court concerned is directed to expedite the trial without giving any unnecessary adjournments and also before accepting the bail bonds would ensure the fact that charges have been framed as has been submitted in this Court by the learned counsel and in case the charges have not been framed, the bail bonds shall not be accepted and the present application would be treated to be as rejected.

(Soni Shrivastava, J)

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