

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86684 of 2025

Arising Out of PS. Case No.-270 Year-2025 Thana- RAJNAGAR District- Madhubani

Abdhesh Ray S/O Raju Ray R/O Village - Koilakh, P.S- Rajnagar, District - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ayodhi Sah S/O Late Dallu Sah R/O Village - Koilakh, P.S- Rajnagar, District - Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagandeo Yadav, Advocate
	:	Mr.Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr.Dr.Mrityunjaya Kr.Gautam, APP
For the Informant	:	Mr. Vikas Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2026 Heard Mr.Gagandeo Yadav, learned counsel for the petitioner, Mr. Vikas Kumar Jha, learned counsel for the informant and Mr.Dr.Mrityunjaya Kr.Gautam, learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail, who is in custody since 17.08.2025 in connection with Rajnagar P.S. Case No. 270 of 2025, F.I.R. dated 30.06.2025 registered for the offence punishable under Section 64 of BNS, 2023.

3. Allegation against the petitioner is that he raped with the wife of informant in her house when the informant had gone for worshiping at Tample.



4. Learned counsel appearing for the petitioner submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Learned counsel for the petitioner submits that from a bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 29.06.2025 but the present FIR has been instituted on 30.06.2025 after delay of one day without giving any explanation of delay and statement of the victim was recorded under Section 183 of BNSS, 2023 on 30.06.2025 in which she has not supported the case of the prosecution, apart from that, the medical examination of the victim was conducted on 30.06.2025 i.e. the next date of occurrence and as per medical report, no sexual assault was found at the time of medical examination and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 17.08.2025.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner as alleged in the FIR and apart from that, the petitioner carries one more case other than the present one, but fairly submits that the



petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts and the victim has not supported the case of the prosecution in her statement under Section 183 of BNSS,2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Madhubani in connection with Rajnagar P.S. Case No. 270 of 2025, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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