

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2524 of 2026

Arising Out of PS. Case No.-201 Year-2025 Thana- BAIRIYA District- West Champaran

1. Jitendra Prasad Son of Late Jagnath Prasad Resident of village- Dumariya PS -Bairiya District -West Champaran
2. Pawan Kumar @ Pavan Kumar son of Late Lagan Prasad Resident of village- Dumariya PS -Bairiya District -West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-01-2026 Heard learned counsel for the petitioners, informant and the learned APP on behalf of the State.

2. The petitioners seek bail in anticipation of their arrest in connection with Bairiya P.S. Case No. 201 of 2025 dated 29.05.2025 instituted for the offences punishable under Sections 74, 64, 126(2) and 118(1) of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, allegation against the petitioners is that they entered into the house of the informant and committed rape upon her.

4. Learned counsel for the petitioners submits that the present case has been lodged on the basis of a complaint petition



filed on 05.01.2025 which was registered as Bairiya P.S. Case No. 201 of 2025. It has been submitted that from perusal of the complaint it would be evident that the alleged date of occurrence is said to be 05.01.2025, however the complaint was filed on 13.05.2025 with a statement that initially the police was informed, but they were in connivance with the petitioners and hence the case could not be lodged earlier.

5. Learned counsel for the petitioner further submits that the petitioners and the informant are immediate agnates and they have falsely been implicated in this case merely to settle personal score which arose on account of land dispute. It is next submitted that no explanation whatsoever has been given with regard to the delayed filing of the complaint initially and during the investigation barring the statement of the informant, there is nothing on record to suggest any evidence against the petitioners. It has also been submitted that no injury report is referred to by the learned Special Judge while dismissing the application for bail. It has lastly been submitted that the petitioners have no criminal antecedent.

6. Learned counsel for the informant as well as learned APP appearing on behalf of the State have vehemently opposed the prayer for anticipatory bail of the petitioners and



have submitted that the petitioners are very powerful and they in connivance with the police did not let an FIR be lodged in the present matter on the date of occurrence and ultimately after several complaints the present complaint was filed on 13.05.2025. It is further submitted that there was an assault on 05.01.2025 for which the informant had gone for treatment at the hospital, however they do not dispute the fact that no reference of any rape is there in the said prescription of 05.01.2025.

7. Considering the aforesaid submissions and taking into account the background facts of the case and especially the fact that the case of such heinous nature has been lodged after a delay of more than four months, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 201 of 2025, subject to the conditions as laid down under Section 482 of the BNSS and subject to the following conditions:-



(i) One of the bailors will be a close relative of the petitioners;

(ii) the petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will liable to be cancelled by the Court concerned;

(iv) the Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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