IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48865 of 2026

Arising Out of PS. Case No.-51 Year-2026 Thana- PHULPARAS District- Madhubani

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Shubham Kumar Thakur @ Badal S/o Jayanand Thakur R/v- Belamohan, Post- Sude, P.S.- Phulparas, District- Madhubani.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv
Mr. Kumar Rajdeep, Adv.
Mr. Narendra Kumar, Adv.
For the Opposite Party/s : Mrs. Renuka Ratnakar , APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

3 20-08-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Phulparas P.S. Case No. 51 of 2026 registered for the offences punishable under Sections 64(1), 61, 351(2) of BNS.

3. As per FIR petitioner alleged to commit rape upon victim on 06.02.2026 on gun point after calling her to the house of his friend.

4. It is submitted by Mr. N.K. Agrawal, learned senior counsel appearing on behalf of the petitioner that during investigation, the statement of victim was recorded under Section 183 of BNSS, which categorically suggest that

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she was in relationship with this petitioner, much prior to this occurrence i.e., for about 2-3 years and when for certain social reasons, marriage of informant and this petitioner was not approved by the parents of this petitioner, the present false case of rape was lodged. It is submitted that the factual aspect of this case is maximum of establishing physical relationship by deceitful means on false pretext of marriage and therefore occurrence cannot be categorized as rape.

5. It is further argued by Mr. Agrawal that the informant was examined on 16.02.2026, where no mark of violence of sexual assault was found by the doctor. It is submitted that occurrence is of 06.02.2026, whereas FIR, in issue, was lodged on 15.02.2026 as an afterthought without having any just explanation for delay. Petitioner claimed clean antecedent.

6. Learned APP while opposing the prayer of bail submitted that as informant was in relationship with this petitioner doesn’t means that he has been authorized to commit rape upon her. It is submitted that the factual aspect

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of this case categorically suggest that she has been raped on gun point by this petitioner. It is submitted that the delay of 9 days was due to *panchayati* as it was assured by parents of this petitioner to explore the possibilities of marriage. It is also submitted that victim supported the occurrence while recording her statement under Section 183 of BNSS and moreover, non-finding of medical injury doesn't lead to conclusion *ipso facto* that rape was not committed upon as the rape is a legal finding not a medical one.

7. In view of aforesaid factual submissions and by taking note of fact as the specific allegation *qua* committing rape is available against this petitioner, which duly appears supported through statement of informant/ victim recorded under Section 183 of BNSS, accordingly, the prayer of anticipatory bail of above-named petitioner stands rejected.

(Chandra Shekhar Jha, J)

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