

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5859 of 2025

Arising Out of PS. Case No.-413 Year-2024 Thana- BABUBARHI District- Madhubani

Md. Mahboob S/o- Md. Farid Village- Mauahi PS-Babubarhi Distt-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ratnakar Jha, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP
For the Informant	:	Mr. Shailendra Kumar Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

7 06-08-2025 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in connection with Babubarhi P.S. Case No. 413 of 2024, instituted for the offences punishable under Section 64 of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in short, is that the petitioner has committed rape upon the mentally challenged sister of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the allegation levelled against the petitioner is general and omnibus



in nature. Both the parties are neighbour and due to previous enmity the petitioner has been falsely implicated in this case. It is further submitted that the petitioner has not committed any offence as alleged in the FIR and the informant is not an eye witness of the said occurrence. The petitioner is in custody since 14.09.2024 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner and submits that there is allegation of committing rape with a “dim-witted” girl against the petitioner. Witnesses of the case diary have also supported the case of prosecution. It is further submitted that the victim has supported the allegation in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Hence, the petitioner does not deserve the privilege of bail.

6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial.

(Rudra Prakash Mishra, J)

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