

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6094 of 2025

Arising Out of PS. Case No.-113 Year-2024 Thana- INDUSTRIAL District- Bhagalpur

Md. Nasir @ Kalam S/O Md. Haroon @ Md. Harun @ Harun Mansuri R/O
Village- Sultanpur Bhatti, P.S- Sabour, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

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

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

ORAL ORDER

4 06-05-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Industrial Area P.S. Case No. 113 of 2024 instituted for the
offences under Section 376 of the Indian Penal Code.

3. Allegation against the petitioner is of commission of
rape upon the victim girl.

4. Learned counsel for the petitioner submitted that the
petitioner is innocent and has falsely been implicated in the
present case due to village politics. Learned counsel further
submitted that there is a delay of two days in lodging the FIR
without plausible explanation, which in itself, raises doubt over
the prosecution story. Learned counsel for the petitioner



submitted that general and omnibus allegation has been made against the petitioner. Learned counsel further submitted that from perusal of the FIR itself, it appears that there was love affair between the petitioner and the victim and the petitioner never forced victim to establish physical relations and, as a matter of fact, the present case appears to be a case of consensual relationship. Learned counsel further submitted that victim is major and as per the medical report, there is no sign of recent sexual assault. It has been submitted on behalf of the petitioner that the petitioner is in custody since 01.07.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim in her statement recorded under Section 164 of the Cr.P.C. has corroborated the contents of the FIR, and therefore, the petitioner does not deserve to be released on bail. Learned APP further submitted that police after investigation submitted charge-sheet under Sections 341, 323, 376D, 506, 34 of the IPC.

6. Considering the aforesaid facts and circumstances of the case, charge-sheet as also Section 164 CrPC statement of the victim, this Court is not inclined to grant bail to the



petitioner at this stage.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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