

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10775 of 2025**

Arising Out of PS. Case No.-257 Year-2024 Thana- ALAMNAGAR District- Madhepura

Md. Nissar, aged about 25 years, Gender-Male, Son of Md. Elyas @ Elo Mian, Resident of Village- Chakrami Basa, PS- Alamnagar, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA**  
**ORAL ORDER**

3      12-05-2025                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in connection with Alam Nagar P.S. Case No. 257 of 2024 instituted for the offences punishable under Sections 376, 504 and 506/34 of the Indian Penal Code.

3. As per the prosecution case, petitioner is the sole accused, who commit rape upon the victim.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. He submits that the FIR has been lodged after a delay of six days but there is no any plausible reason in this regard. He next submits that there is no any witness of the occurrence. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since



06.07.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the case diary, FIR and also perused the impugned order dated 26.11.2024 passed by the learned Additional District and Sessions Judge-1st-cum-Special Judge, SC/ST, Madhepura, it appears that on the basis of written report of the informant Khushbu Khatoon, FIR has been lodged under Sections 376, 504 and 506/34 of the Indian Penal Code against three accused persons including the petitioner. It also appears that petitioner is the sole accused, who rapped upon the victim. The victim has supported her statement under Section 161 of the Cr.P.C. and other witnesses has already supported the statement of the victim. It also appears that the FIR has been lodged after a delay of six days and there is no any plausible reason in this regard, so consider all aspects of the case, seriousness of the offence, I am not inclined to grant bail to the petitioner.

7. Prayer for regular bail of the petitioner is hereby rejected.

**(Ramesh Chand Malviya, J)**

Anand Kr.

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