

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21720 of 2025

Arising Out of PS. Case No.-305 Year-2024 Thana- BIHIA District- Bhojpur

Nami Mushar Son of Bhakola Mushar Resident of Vill- Dhus Mushar Tola
Bihiya, P.S.- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 13646 of 2025

Arising Out of PS. Case No.-305 Year-2024 Thana- BIHIA District- Bhojpur

Guddu Musahar @ Guddu Ram Son of Billi Musahar @ Kameshwar Ram
R/O- Village- Jai Hata, Dhus Musahar Toli Bihiya, PS- Bihiya, Distt.-
Bhojpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 21720 of 2025)
For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.
For the Opposite Party/s : Mr. Binod Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 13646 of 2025)
For the Petitioner/s : Mr. Ramakant Yadav, Adv.
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

3 09-05-2025 Heard learned counsel for the petitioners as well as the
counsel appearing for the respondent-State.

2. Both the applications are preferred by the petitioners for
their first regular bail who have been arrested in connection with
Bihiya P.S. Case No. 305 of 2024 for the alleged offences punishable
under Section 126(2), 115(2), 70(1) of the Bharatiya Nyaya Sanhita



are being decided by this common order.

3. In this case, the victim of the case is a major married lady aged about 25 years. On 06.10.2024, she made a written complaint alleging therein that on 05.10.2024 about 07:15 P.M. when she was in her house the present applicants along with other named accused persons and some unknown persons reached there and forcefully took her into bushes and committed sexual intercourse with her one by one. It is further alleged that when her husband came there for rescue then the accused persons also assaulted her husband and due to that her husband sustained injuries. On the basis of the complaint made by the victim offence has been registered. During the course of investigation the present applicants have been arrested on 09.10.2024 and since, then they are in custody.

4. It is submitted by the counsel for the petitioners that the petitioners herein are innocent and are falsely implicated in this case due to some previous dispute with the complainant. The medical report of the complainant does not support the case of the prosecution, as no any external or internal injury were found in the body of the victim and the doctor who conducted the medical examination of the victim also did not opine committal of any rape with the victim. He further submits that in her statement recorded by the investigating officer during investigation she narrated a different story from the written complaint. Therefore, it is prayed that on these grounds they may be granted benefit of bail.



5. Learned counsel appearing on behalf of respondent-State opposes the prayer of bail.

6. Considering the submission made by the counsels and further considering the medical report of the victim girl, I am of the view that in this case the present applicants should be granted the benefit of bail. Accordingly, the petitions are allowed. The petitioners are directed to be released on bail in connection with Bihiya P.S. Case No. 305 of 2024 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties, to the like amount each to the satisfaction of the learned A.C.J.M-II, Bhojpur at Ara.

(Arvind Singh Chandel , J)

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