

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34578 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- JHANJHARPUR District- Madhubani

Md. Naushad S/o Mannan Kujra @ Manan @ Md. Manan R/o Village-
Langra Chowk, Ward No 11, Nagar Panchayat, Jhanjharpur, PS- Jhanjharpur,
Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-06-2025 No one appears on behalf of the petitioner.

However, learned counsel for the State is present.

2. The present criminal miscellaneous application has been filed under Sections 483 and 484 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for grant of regular bail to the petitioner who is in custody in connection with Jhanjharpur P.S. Case No. 94 of 2024, lodged on 27.05.2024, under Sections 376D/469/506 of the Indian Penal Code and under Sections 67/67A of the I.T. Act.

3. As per the prosecution, FIR has been lodged against five named accused persons including the present petitioner, against whom allegation of gang rape as well as preparation of



video of the said event are there. Subsequently the said video clip was made viral.

4. It has been pleaded that the petitioner is innocent and has committed no offence. It transpires to this Court that antecedent of the petitioner is clean. He is in custody since 31.05.2025. The plea has been taken that the said FIR has been made after six days of the occurrence as the date of occurrence is 21.05.2024 but FIR has been lodged on 27.05.2024. It has been further pleaded that the delay has not been explained in the fardbeyan, which clearly indicates the entire prosecution story is false and baseless. The further plea has been taken that the allegation of abduction of the victim was made on bike but during abduction the alleged victim had not shouted in her defence. It has been further pleaded that only family members are the witnesses and no independent witness has come forward. Further plea has been taken that at the place of incident there was no light due to which she had not seen anyone and refused to recognize the petitioner which clearly shows that petitioner is innocent. It has further been pleaded that medical evidence has not supported the factum of sexual assault.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the statement of the victim



under Section 164 Cr.P.C. was recorded before the Trial Court in which the victim has categorically named the accused persons and identified him. In the order sheet the Sessions Court has acknowledged that the Court has perused the medical report also which categorically retreat the sexual assault.

6. In this background, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for bail of the petitioner is hereby rejected.

(Dr. Anshuman, J)

Mkr./-

U		T	
---	--	---	--

