

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17566 of 2025

Arising Out of PS. Case No.-46 Year-2024 Thana- Bargaon District- Darbhanga

Md. Nadeem @ Nadeem Son of Late Md. Naim Akhatar @ Md. Nayeem @
Nayeem Resident of Village - Sankanhai @ Kanhai, P.S. - Ghanshyampur,
District – Darbhanga Petitioner/s

Versus

1. The State of Bihar
2. Salma Khatoon W/O Md. Anwarul R/O Village- Bardeha, P.S- Badhagaon,
Distt.- Dargbhanga.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Senior Advocate
Mr.Rizwanul Jama Khan, Advocate
For the Opposite Party/s : Mr.Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 26-09-2025 Heard learned counsel for the parties.

2. Petitioner seeks regular bail in a case registered for the offence punishable under sections 70(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and sections 4 and 8 of the POCSO Act.

3. As per prosecution case, when daughter of the informant went for cutting the grass in the field, in the meantime, petitioner along with three other accused persons tied a towel around her mouth and took her to the orchard where all the accused persons made her drink spiked cold drink and thereafter, gang raped her. After the said incident, she was left at the side of the road going towards village. Somehow after gaining consciousness, she with the help of the people of village came home.

4. Learned counsel appearing on behalf of the petitioner has submitted that F.I.R. has been lodged after four days without any explanation which renders the entire prosecution case doubtful. During medical examination, doctor



has not found any sign of recent sexual assault on the victim. Petitioner is in custody since 19.9.2024. Charge sheet has already been submitted. Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the prayer for bail. He submits that the victim has given her statement under Section 164 of the Cr.P.C. wherein she has named the petitioner and three others who committed gang rape on her.

6. Considering the nature of accusation and aforesaid statement of the victim, prayer for bail of this petitioner is rejected.

(Prabhat Kumar Singh, J)

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