

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46159 of 2025

Arising Out of PS. Case No.-325 Year-2024 Thana- MOHANPUR District- Gaya

Buttan Mian @ Md. Minhaj @ Minhaj S/o Late Md. Ramzan Mian @ Md. Ramjan Lodiya @ Md. Ramzan Resident of village- Dangra, P.S. - Mohanpur, Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suganti Devi D/o Dasu Manjhi Resident of village- Jori Bigha, P.S. - Mohanpur, Distt.- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Rabia Gulnaz, Advocate
For the Opposite Party/s	:	Mrs. Usha Kumari 1, APP
For the Informant	:	Mr. Prakash Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 15-10-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with Mohanpur P.S. Case No. 325 of 2024 instituted for the offences under Sections 126(2), 115(2), 79, 75, 76, 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 8/12 of the POCSO Act and Sections 3(i)(r)(s)(w)(i), 3(2)(va) of the SC/ST Act.

3. The prosecution case, in short, is that on 12.11.2024, while the informant was grazing cattle, two unknown persons abused and tried to drag her towards the jungle with ill intention. On her alarm, villagers and her father



arrived, upon which the accused fled, and one of them was identified as Buttan Mian (petitioner herein).

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel for the petitioner submitted that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that from perusal of the FIR, it appears that no *prima-facie* case under SC/ST Act is made out against the petitioner. Learned counsel further submitted that there is no medical report or injury report to corroborate the allegation as levelled in the FIR. Learned counsel further submitted that victim in her statement recorded under Section 183 of the BNSS has stating nothing relating to sexual assault except for the said verbal dispute and scuffle. It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.05.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the



petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mohanpur P.S. Case No. 325 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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