

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48332 of 2025**

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

Manjee Mushar S/o Bhakal Mushar R/o Village- Ghus Mushar, P.S.- Behiyan,
District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate
Ms. Priya, Advocate
For the State : Mr. Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3 22-09-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 126(2),
115(2) and 70(1) of the B.N.S..

3. As per FIR, the prosecution story, in brief, is that on
05.10.2024 at about 07:15 PM, when the informant was sitting
at her house, in the meantime, this petitioner along with 9 others
and some 10-12 unknown persons picked up the informant from
her house and took her to the nearby bush and committed sexual
assault upon her one by one. When she raised alarm, her
husband came for her rescue but he was also assaulted by them.



4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is quite innocent and has committed no offence. It is highly unbelievable that 21 persons would commit the alleged occurrence and there would be no injury. Medical report of the complainant does not support the case of the prosecution. No external or internal injury was found on the body of the victim and the doctor who conducted the medical examination of the victim also did not opine committal of rape upon 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. As a matter of fact, the informant is indulged in sale of liquor which is opposed by the petitioner and his family members and due to that petitioner and his entire family members and others have been made accused. It is lastly submitted that similarly situated co-accused person, namely Doman Mushar, has already been granted privilege of anticipatory bail by this Hon'ble Court vide order dated 16.09.2025 passed in Cr. Misc. No. 47872 of 2025. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently



opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, materials that have surfaced during course of investigation, claim based on parity and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Bhojpur at Ara in connection with Bihiya P.S. Case No. 305 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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