

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47872 of 2025

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

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Doman Mushar @ Aman Kumar S/o Kanu Mushar @ Aklu Mushar R/o
Village- Ghus Mushar, P.S.- Behiyan, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 16-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 126(2)/115(2)/70(1) of the BNSS, 2023.

3. As per FIR, the prosecution story, in brief, is that on 05.10.2024 at about 07:15 p.m., when the informant was sitting at her home, 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. Learned counsel for the petitioner submits that the petitioner is quite innocent and has been falsely implicated in this case. It is submitted that 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.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the aforesaid facts & circumstances and the fact that petitioner claims clean antecedent, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Bihiya P.S. Case No. 305/2024, in connection with A.C.J.M.-II, Bhojpur at Ara, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure/ Section
482(2) of BNSS, 2023.

(Prabhat Kumar Singh, J)

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