

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62816 of 2025

Arising Out of PS. Case No.-211 Year-2024 Thana- GAIGHAT District- Muzaffarpur

Md. Bakhteyar @ Bakhteyar Ahmad @ Md. Bakhteyar Ahmad S/o
Mohammad Ayub Mastan @ Md. Ayub Mastan R/o village-Ramnagar, P.S.--
Gaighat, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupam Bahadur, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 10-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 70(1), 333 and 3(5) of B.N.S.

3. The case of the prosecution is that the petitioner along with one other Md. Irfan entered in the house of the informant and both of them have committed forceful sexual intercourse with her on gun point one by one. After that, they fled away. Next day, *Panchayati* was conveyed and thereafter, report was lodged by victim.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. Learned counsel for the petitioner has submitted that from the medical examination of the victim, it will transpire that the doctor has found no injury or any mark of violence on any parts of her body. It has also been submitted that considering the medical report of the victim, learned co-ordinate Bench in Cr. Misc. No. 14591 of 2025 has granted bail to co-accused having similar nature of allegation. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 22.07.2025.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail submitting that co-accused who has been granted bail by learned co-ordinate Bench who is in custody since 05.10.2024 whereas this petitioner is in custody since 22.07.2025.

6. While considering the parity, the period of custody is not seen rather the nature of allegation has to be considered. Both the accused persons were having similar nature of allegation.

7. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named



petitioner is directed to be released on bail in connection with Gaighat P.S. Case No. 211 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M.F.C. (East)-cum-A.M.II,Muzaffarpur.

(Ashok Kumar Pandey, J)

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