

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69903 of 2025

Arising Out of PS. Case No.-746 Year-2023 Thana- MADHEPURA District- Madhepura

Md. Mistar S/O Md. Nago @ Nazir @ Md. Sami R/O Vill.- Belho Ghat, Ward
no. 5, P.s.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mrs. XXX D/O Mr. Y R/O Vill.- Belho Ghat, Ward no. 5, P.s.- Madhepura,
District- Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Kamaluddin

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-12-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Madhepura P.S. Case No. 746 of 2023 registered for the
offence under Sections 341, 346, 376, 376(D), 120(B), 420,
504, 506 of the I.P.C. and Section 4 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in
custody since 19.07.2025.

4. The allegation against the petitioner is to commit
rape upon informant/ victim aged about 32 years, while she
was sleeping in her home at about 11 P.M.

5. Learned counsel appearing on behalf of the



petitioner submitted that the narration of occurrence as available through FIR and statement *qua* occurrence which is available out of statement of victim as recorded under Section 183 of BNSS are appearing completely contradicting, which makes serious doubt *qua* occurrence suggesting false implication of petitioner out of village politics. It is submitted that statement of victim recorded under Section 183 of BNSS, nowhere suggest stated that at the time of occurrence her both minor child were present there. It is also pointed out that place of occurrence also appears different. Learned counsel also pointed out that the rescue of petitioner was due to arrival of co-villagers at place of occurrence in terms of statement of victim recorded under Section 183 of BNSS, whereas as per FIR she rescued herself after persuading petitioner. While concluding the argument, it is submitted that petitioner found involved in one more criminal case where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP while opposing the prayer of bail



submitted that allegation of rape is specifically available against this petitioner.

7. In view of aforesaid factual submission and by taking note of fact as statement of victim as recorded under Section 183 of BNSS, creates a doubt *qua* occurrence, coupled with fact as investigation of this case already completed where petitioner remains in custody since 19.07.2025, accordingly petitioner above named, is directed to be released on bail in connection with Madhepura P.S. Case No. 746 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned DASJ VI, Spl. Judge, POCSO, Madhepura /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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