

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71513 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- MADHEPURA District- Madhepura

Nandan Mukhiya S/o- Ramchandra Mukhiya Village- Madanpur, Ward No.
01, P.S.-Madhepura District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Rajpati, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 31-10-2025 Heard the learned counsel for the petitioner and
learned APP for the State.

2. Petitioner, who is in custody, seeks bail in connection with Madhepura P.S. Case No. 31 of 2025 registered for the offences punishable under Sections 115(2), 126(2), 76, 308(2), 303(2), 351(2), 352 and 3(5) of B.N.S., 2023.

3. As per the prosecution case, the informant has alleged that in the night, while the informant along with her minor daughter was sleeping in the room, the petitioner entered into her room and committed rape with her. It is alleged that the informant's daughter woke up and raised the alarm, upon which several persons came; however, the petitioner managed to escape. It has been alleged subsequently that the *mangalsutra*

was also snatched away from the neck of the informant, while she had gone to complain about the petitioner to his parents.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on account of some personal dispute between the parties. The petitioner is a father of 4 children and the allegations levelled against the petitioner does not inspire truthfulness looking at the conduct of the informant post incident. It has been submitted that from mere perusal of the F.I.R., it would be evident that admittedly the informant was present along with her minor daughter at the time of incident and the prosecution story seems to be improbable. It has next been submitted that the F.I.R. was lodged with delay and the police after investigation has submitted charge-sheet under Sections 115(2), 126(2), 74, 352, 351(2) and 3(5) of the B.N.S, 2023. It has lastly been submitted that the petitioner has a clean antecedent and he is in custody since 22.06.2025.

5. The learned A.P.P. has vehemently opposed the prayer for bail and has stated that there is allegation of very serious and heinous crime committed by the petitioner and as such he does not deserve the liberty of bail.

6. Considering the aforesaid submissions made by the

parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Madhepura P.S. Case No. 31 of 2025 subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be local resident.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail

bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the prayer for bail is allowed.

8. It is made clear that the observation, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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