

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73099 of 2025

Arising Out of PS. Case No.-85 Year-2025 Thana- BARSOI District- Katihar

Kanhaiya Noniya Son of Late Bahadur Noniya Resident of Village - Datian,
P.S. - Barsoi, Dist. - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Musowir, Adv.

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Barsoi P.S. Case No. 85 of 2025 registered for the offence under Sections 64(2)(1), 64(2)(k) of BNS.

3. The petitioner is named in the F.I.R. and is in custody since 13.05.2025.

4. As per FIR, petitioner committed rape upon daughter of the informant aged about 25 years who cannot hear and speak, while she was cutting grass in the "Aal" on 10.05.2025 at about 2 PM.

5. Learned counsel appearing on behalf of the petitioner submitted that the alleged victim was cutting grass



in the field belongs to this petitioner and when same was opposed, present false case was lodged by family members of the victim, who already abandoned by her husband. It is pointed out that even medical examination report does not reveals any incriminating material in support of the occurrence. It is submitted that victim could not record her statement under Section 180 or 183 of BNSS. While concluding the argument, it is submitted that petitioner is a man of clean antecedent 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 opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of aforesaid fact and totality of nature of accusation, where medical examination report of victim *prima-facie* failed to satisfy any occurrence as alleged, coupled with fact that investigation of this case already completed where petitioner remains in custody since 13.05.2025, accordingly petitioner above named, is directed



to be released on bail in connection with Barsoi P.S. Case No. 85 of 2025 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Addl. Sessions Judge 1st Katihar /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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