

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10840 of 2026

Arising Out of PS. Case No.-224 Year-2025 Thana- JALALGARH District- Purnia

Md. Shahid Alam @ Md. Shahid, Son of Late Yunus @ Md. Yunus Alam,
Resident of Village- Girda Begumpur, Ward No. 10, P.S.- Jalalgarh, District-
Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Md. Helal Ahmad, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-02-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Jalalgarh P.S. Case No.224 of 2025 registered under Sections 64(1), 351(2) and 352 of the Bhartiya Nyaya Sanhita, 2023 (in short 'B.N.S.').

3. Allegation against petitioner is to commit rape upon informant who is a married lady aged about 39 years.

4. It is submitted by learned counsel appearing for petitioner that the petitioner has been falsely implicated with present case out of local political differences. It is submitted that prior to this occurrence, the petitioner lodged one complaint case against witnesses of the present case, which



cannot be said a co-incidence and, therefore, the present implication appears raised against petitioner in a very planned and formulated manner. It is submitted that upon medical examination, no sign of rape appears found upon victim, suggesting that she was raped in terms of her allegation. It is submitted that the petitioner is a man of clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that the allegation of committing rape is specifically available against this petitioner, which is duly supported during investigation by informant/victim while recording her statement under Section 180 and also under Section 183 of the BNSS. It is submitted that non-finding of any injury upon victim does not lead to conclusion *ipso facto* that rape was not committed upon her as rape is a legal finding not a medical one.

6. In view of aforesaid factual submissions and by taking note of fact as victim/informant specifically alleged against petitioner as to commit rape upon her while recording her statement under Section 180 and also under Section 183 of the BNSS, accordingly, the prayer of anticipatory bail of



petitioner stands rejected.

(Chandra Shekhar Jha, J.)

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