

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14204 of 2026

Arising Out of PS. Case No.-315 Year-2025 Thana- BIRAUL District- Darbhanga

Md. Jamal @ Md. Jamal Naddaf @ Md. Zamal Nadaf @ Md. Jamal Naddae
S/o- Md. Jalil Nadaf @ Jalil Nadaf @ Md. Zalil Nadaf R/v- Pokharam,
Pokhram, P.S- Biraul, District-Darbhangha

... .. Petitioner/s

Versus

1. The State of Bihar
2. X W/o- Gangaram Mandal R/v- Pokharam, Pokhram, P.S- Biraul, District-Darbhangha

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra
For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-04-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 64 and 3(5) of the B.N.S.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that on 27.08.2025 at 1.30 A.M., the
informant was sleeping in her house, but the door of the house
was opened due to excessive heat taking advantage of the same
the petitioner along with Md. Sattar Nadaf entered her house,
the petitioner pressed the mouth of the informant by towel and



Md. Sattar Nadaf started raping her, when her husband all of a sudden came from Mumbai and saw the occurrence, thus objected and raised an alarm when father of the accused persons, who was standing outside in the courtyard, came inside and tried helping the accused persons in fleeing, petitioner fled but Md. Sattar Nadaf was apprehended by neighbours. It is next alleged that since father of the accused persons is a Chaukidar, hence Md. Sattar Nadaf also left. It is next alleged that the next day the informant went to the police station where father of the accused persons including the petitioner threatened that if she will institute a case or will give any byte to the media against him, then her three years old son would be killed, hence on account of threat, she disclosed to the media what was tutored by the father of the accused persons, but subsequently based on support of villagers, the FIR was instituted.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that petitioner and Md. Sattar Nadaf are brothers. It is further submitted that informant was having an illicit relationship with Md. Sattar Nadaf and thus had kept the door of the house opened in absence of her husband and Md. Sattar Nadaf might have gone to the house of the informant



since they were in relationship. It is submitted that unexpectedly the husband the informant came and he might have seen them in a compromising position, but then, by way of afterthought implicated the entire family members. It is also submitted that it does not appear probable that informant would have slept in the night leaving the door open because of hot whether. It is also submitted that police after investigation came to a considered conclusion that petitioner is innocent thus submitted final form exonerating the petitioner of the allegations as alleged in the FIR, but then, the learned Trial Court in a mechanical manner differing with the police report took cognizance, hence petitioner apprehends arrest. It is next submitted that one investigating agency after threadbare investigation came to a considered conclusion that petitioner is innocent whether it would be prudent for the Court to send the petitioner to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioner of the allegations.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the



event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Biraul P. S. Case No.315 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Satyavrat Verma, J)

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