

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16094 of 2026

Arising Out of PS. Case No.-134 Year-2025 Thana- ABADPUR District- Katihar

Md. Nasir S/o- Late Aminuddin R/v- Maltipur Ps- Abadpur Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Bhola Prasad, Adv.
For the Opposite Party/s :	Mr.Renu Kumari, APP
	Mr. Fakhra Tamaz Akhter, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-05-2026 Heard Learned Counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable in connection with Abadpur P.S. Case No.134 of 2025 under Sections 126(2), 115(2), 64, 76, 352, 351(2) and 3(5) of the BNS, 2023 pending before the court of A.C.J.M.-III, Katihar.

3. As per the prosecution, the FIR has been lodged against seven named accused persons including the petitioner with allegation that the petitioner had committed rape with the informant. Subsequently, other accused persons have also assaulted and abuse the informant.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits



that the petitioner has been falsely implicated in the present case as there is no evidence for commitment of rape. He further submits that a counter-case has been lodged by mother of the petitioner against the informant and others.

5. Counsel further submits that on the tea shop, scuffling took place between the parties and case has been lodged. He further submits that the occurrence alleged to be taken place on 12.12.2025, but FIR has been lodged on 17.12.2025. He further submits that the allegation of commission of offence is absolutely false and not accepted in the light of case and counter-case.

6. Learned Counsel also submits that antecedent of the petitioner is clean and ready to fulfill all the conditions whatsoever shall be imposed upon him.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that in the rejection order, the Trial Court at the time of rejecting the anticipatory bail of the petitioner have categorically acknowledged that the statement made under Section 183 of the BNSS, the informant has supported the allegation in her statement.

8. Counsel further submits that counter-case may be looked into. He further submits that counter-case has been



lodged on 20.12.2025 *i.e.*, after delay of 3 days of filing of the present case. As such, anticipatory bail application of the petitioner may be rejected.

9. Learned APP for the State opposes the prayer for bail and submits that statement of the victim under Section 183 of the BNSS has acknowledged by way of supporting the specific allegation made in the FIR.

10. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioner, therefore the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J)

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