

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28569 of 2026

Arising Out of PS. Case No.-22 Year-2026 Thana- BEERPUR District- Begusarai

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1. Md. Jamanat S/O Md. Musan R/O Village- Maida, Babhangama, Babhangawan, P.S- Birpur, District- Begusarai.
 2. Md. Aftab S/O Md. Alam @ Mohammad Alam R/O Village- Maida, Babhangama, Babhangawan, P.S- Birpur, District- Begusarai.
 3. Md. Mister S/O Md. Jainul @ Md. Zainul R/O Village- Maida, Babhangama, Babhangawan, P.S- Birpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX D/O Surendra Paswan R/O Village and Post- Maida, Babhangama, Babhangawan, P.S- Birpur, District- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 22-07-2026 Heard learned counsel for the petitioners and learned APP for the State. Despite valid service of notice, none appears for the informant. Perused the case diary.

2. The petitioners seek bail in connection with Birpur P.S. Case No. 22 of 2026 instituted for the offence under Sections 76, 109(1), 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 8 & 17 of the POCSO Act and Sections 3(i)(s) (w), 3(2)(v) of the SC/ST Act.

3. The prosecution case, in brief, is that on 17.02.2026 at about 1:30 p.m., while the minor – informant was



cutting grass, petitioner No.1 allegedly gagged her, dragged her into a wheat field and attempted to commit rape, petitioner No.2 pointed a hasua at her abdomen, petitioner No.3 tightened her dupatta around her neck, and Md. Imteyaj (co-accused) caught hold of her hands to facilitate the offence.

4. It has been submitted on behalf of the petitioners that the petitioners are in custody since 18.02.2026. Petitioners bear no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. From perusal of the FIR, it would reveal that there is no specific allegation against the petitioner Nos. 2 and 3, rather the same is against petitioner No.1, who allegedly attempted to rape the informant. As per medical report, no injury was found on the genitalia of the victim. Charge sheet has already been submitted in this case under Sections 76, 109(1), 352 & 3(5) of the Bharatiya Nyaya Sanhita, 2023, Sections 8 & 17 of the POCSO Act and Sections 3(i)(w)(r)/3(2)(v) of the SC/ST Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Referring



to statement of the victim recorded under Section 183 of the BNSS, 2023, which is mentioned in paragraph No. 35 of the case diary, it is submitted that victim has fully supported the prosecution case.

7. Considering the aforesaid facts and circumstances of the case, there being direct allegation of attempt to rape against the petitioner No.1, namely, Md. Jamanat, which fact is supported by the statement of the victim recorded under Section 183 of the BNSS, 2023, hence, this Court is not inclined to grant bail to petitioner No.1. Accordingly, bail of petitioner No.1, namely, Md. Jamanat is hereby rejected.

8. So far as petitioners, namely, Md. Aftab (petitioner No.2) and Md. Mister (petitioner No.3) are concerned, considering the aforesaid facts and circumstances of the case, there being no specific allegation of attempt to rape against them, this Court is inclined to grant bail to the petitioners, namely, Md. Aftab (petitioner No.2) and Md. Mister (petitioner No.3).

9. Let the petitioners, namely, Md. Aftab (petitioner No.2) and Md. Mister (petitioner No.3), be released on bail on furnishing bail bonds of Rs. 15,000/- (Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Birpur P.S. Case No. 22 of 2026.

10. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments preferably within a period of six months.

11. However, petitioner No.1, namely, Md. Jamanat will be at liberty to renew his prayer for bail in the Court below, if the trial is not concluded within a period of six months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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