

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31024 of 2026

Arising Out of PS. Case No.-3 Year-2026 Thana- KURLIKOT District- Kishanganj

Momin Raza S/o Md Rafique R/o vill- Kowabhitta, ward no. 19, Thana-
Kurlikot, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 11-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Section 64(1) of the Bharatiya Nyaya Sanhita, 2023.

3. The case of the prosecution, in brief, is that the petitioner entered into the house of the informant and forcibly committed rape upon her. It is further alleged that he was apprehended by the family members of the victim.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It has further been submitted that, during the course of investigation, the victim gave her statement under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023,



wherein she stated that she was on talking terms with the petitioner and that, on the alleged date of occurrence, the petitioner had come to meet her, whereupon he was apprehended by her family members. The victim further stated that no force was used against her and that her family members had pressurized her into lodging the present case. Learned counsel for the petitioner further submits that the statement of the victim recorded under Section 183 of the BNSS completely exonerates the petitioner from the allegations levelled against him. It is also submitted that the petitioner is languishing in judicial custody since 24.01.2026 and has no criminal antecedent.

5. Learned APP appearing for the State has opposed the prayer for regular bail.

6. Considering the aforesaid facts and circumstances of the case, particularly the statement of the victim recorded under Section 183 of the BNSS, the period of custody undergone by the petitioner, and the absence of any criminal antecedent, this Court is inclined to enlarge the petitioner on bail.

7. Accordingly, the above-named petitioner is directed to be released on bail in connection with Kurlikot P.S. Case No.



3 of 2026 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-II, Kishanganj.

(Ashok Kumar Pandey, J)

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