

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33077 of 2026

Arising Out of PS. Case No.-371 Year-2025 Thana- MAHISHI District- Saharsa

Md. Mukhtar @ Pappu Son of Md. Rajjak @ Rajjak Nadaf Resident of
village- Islampur, (Arapatti), Ward No 12, Ps- Mahishi, (OP Jalai), Dist-
Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 14-05-2026 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 sections 126(2),
115(2), 70(1), 352/351(2), 351(3) and 3(5) of BNS.

3. The case of the prosecution is that while the
informant was going to Khojraha for casting her vote, the
petitioner along with two others has committed rape with her.
They were in inebriated condition and they also attempted to kill
her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Learned
counsel for the petitioner has submitted that in this case, the



occurrence is of 06.11.2025 whereas the FIR was filed on 08.11.2025 and the delay is not explained in the FIR. During course of investigation, the victim has given her statement recorded under Sections 180 and 183 of BNSS. In her statement recorded under Section 180 of BNSS, she has stated that one person has committed rape with her. In her statement under Section 183 of BNSS, she has stated that two persons have committed rape with her and in FIR, she has stated that all persons have committed rape with her. Learned counsel has further submitted that from perusal of the medical examination report of the victim, it transpires that the doctor has not found any injury on any part of her body and has opined the age of the victim is 22 years. Learned counsel has further brought to the notice of this court the prescription of B.H.T., Saharsa wherein it was disclosed by the victim herself that she is having four live issues and one died and that menopause has occurred one year ago as told by the victim. Learned counsel has submitted that actually, the victim is aged about 48 years and she is having major children and there is contradiction in her statement recorded under sections 180 and 183 of BNSS. Moreover, the doctor has opined that there was no sign of recent sexual intercourse at the time of her examination. A statement has been



made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 08.12.2025.

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

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Mahishi (Jalai O.P.) P.S. Case No. 371 of 2025 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Saharsa.

(Ashok Kumar Pandey, J)

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