

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36858 of 2026

Arising Out of PS. Case No.-6 Year-2026 Thana- TARAPUR District- Munger

Md. Noman @ Noman Gazi S/O Md. Maqsood @ Md. Maqsood Ahmed R/O
Village- Bangama, P.O- Muskipur, P.S- Tarapur, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Allama Abdul Quadir Jamal Faridi

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-06-2026 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Tarapur P.S. Case No. 06 of 2026 registered for the offences punishable under Sections 64 and 3(5) of BNS.

3. The allegation against petitioner is to commit rape upon the daughter of the informant aged about 20 years while she was alone in her home.

4. It is submitted by learned counsel appearing on behalf of the petitioner that present FIR was lodged with delay of 5 days. It is submitted that the medical report is not corroborating the allegation that any penetrative sexual assault/ rape was committed upon the daughter of the



informant. It is submitted that out of neighborhood dispute and differences the present false implication was raised against this petitioner. Petitioner claimed clean antecedent.

5. Learned APP while opposing the prayer of bail submitted that non finding of medical injuries does not lead to conclusion *ipso facto* that rape was not committed as rape is a legal finding not a medical one. It is submitted that victim specifically alleged this petitioner as to commit rape upon her while recording her statement under Section 180 and 183 of the BNSS.

6. In view of aforesaid factual submission and by taking note of fact as victim alleged petitioner specifically as to commit rape upon her while recording her statement under Section 183 of BNSS, accordingly, the prayer for anticipatory bail of this petitioner stands **rejected**.

(Chandra Shekhar Jha, J)

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