IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39066 of 2026

CNR No. BRHC010566252026

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

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Md. Jumerati @ Abdul Rahim Nadaf S/O Nur Mohammad Resident of Village- Islampur Arapatti, P.S. Mahishi Jalia OP, District- Saharsa

... ... Petitioner/s

Versus

The State of Bihar Patna

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Kamal Kishore Singh, Advocate
For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

4 20-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Mahishi (Jalai O.P.) P.S. Case no. 371 of 2025 instituted for the offence under Sections 126 (2), 115 (2), 71 (1), 352, 351 (2) (3) and 3 (5) of the 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

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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

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doctor has opined that there was no sign of recent sexual intercourse at the time of her examination.

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

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Mahishi (Jalai O.P.) P.S. Case no. 371 of 2025 , he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, subject to the conditions as laid down under section 438(2) of the Cr.P.C/ Section 482 (2) of the BNSS.

(Ashok Kumar Pandey, J)

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