IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50044 of 2026

CNR No. BRHC010716762026

Arising Out of PS. Case No.-166 Year-2026 Thana- MOTIHARI MUFASIL District- East Champaran

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Tuffail Alam Son of Sahid Ansari @ Md. Shahid Miyan Resident of Village - Mahmud Nagar (Mahamud Nagar, Ward No. 01), Ward No. 05, P.S.- Town, District- East Champaran

... ... Petitioner/s

Versus

1. The State of Bihar

2. X Daughter of - Y Resident of New Delhi Sitapuri, P.S.- Dabri, District- New Delhi.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Uday Pratap Singh, APP
For the Informant : None

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 27-10-2026 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Muffasil P.S. Case No. 166 of 2026 instituted for the offences under Sections 126(2), 127(2), 115(2), 70(1), 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 4/6 of the POCSO Act.

3. Allegation against the accused persons including the

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petitioner is of commission of rape upon the informant.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel further submitted that although it is alleged in the FIR that the victim's age is 17 years but, as a matter of fact, the victim is major. Learned counsel further contended that although the victim has supported the allegation of forceful physical relationship but the same is not corroborated by the medical report of the victim. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.03.2026 and has two criminal antecedents.

5. Learned A.P.P. for the State vehemently opposed the prayer for grant of bail to the petitioner. Learned APP further submitted that victim in her statement recorded under Section 183 of the BNSS has corroborated the contents of the FIR, and therefore, the petitioner does not deserve to be released on bail.

6. Considering the aforesaid facts and circumstances of the case as also Section 183 BNSS statement of the victim, this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

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8. Learned Trial Court is directed to expedite the trial.

(Rudra Prakash Mishra, J)

Alok Verma/-

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