

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52024 of 2025

Arising Out of PS. Case No.-68 Year-2025 Thana- BALTHAR District- West Champaran

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NASIR MIYAN S/o Late Hakik Miyan R/O Sheikh Tola, P.S. - Balthar, Dist.-
West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Fultara Khatoon W/O Azad Mirza R/O Sheikh Tola P.S. Balthar Distt West
Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Amritanshu Raj, Advocate
For the Opposite Party/s :	Mr. Raj Kishor Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 26-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Balthar
P.S. Case No. 68 of 2025 instituted for the offences under
Sections 126(2), 127(2), 115(2), 70(1), 351(2), 3(5) of the
Bharatiya Nyaya Sanhita, 2023.

3. Allegation against the accused persons including the
petitioner is of commission of gang rape upon the informant.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Learned counsel for the petitioner submits that general and



omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. It has been submitted on behalf of the petitioner that the petitioner is in custody since 17.06.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He further submitted that trial has already commenced and two witnesses have also been examined. Learned APP for the State relied upon a decision of the Hon'ble Apex Court reported in **2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan & Anr.)**, wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

6. Considering the aforesaid facts and circumstances of the case as also nature and gravity of offence, 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.



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

(Rudra Prakash Mishra, J)

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