

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77127 of 2025

Arising Out of PS. Case No.-451 Year-2024 Thana- MUFFASIL District- West Champaran

Shayuddin @ Sayoddin @ Sadiuddin @ Shankar Singh @ Rahul S/O Late
Nazzi Miyan, R/O Vill.- Dakshin Tola Siswa Bazar, P.S.- Kodhibhar, Dist.-
Maharajganj, U.P.

... .. Petitioner/s

Versus

- 1. The State of Bihar.
- 2. X X X X X

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Adv.
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 25-02-2026 Heard the learned counsel for the petitioner and the
learned Addl. Public Prosecutor for the State.

2. The petitioner, who is in custody, seeks bail in
connection with Bettiah Muffasil P.S. Case No. 451 of 2024
registered for the offence(s) punishable under Section(s) 137(2),
64(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (B.N.S.)
and Section(s) 4 of the Protection of Children from Sexual
Offences Act, 2012.



3. The allegation as per the F.I.R. is to the effect that the daughter of the informant/opposite party No. 2 is said to have been lured by co-accused/Jahangir Ansari and he had confined her in the house. It has been alleged that the wife of co-accused/Jahangir Ansari, namely, Muskan Khatoon, was instrumental in keeping the victim girl confined within the house and co-accused/Jahangir Ansari had committed rape upon the daughter of the informant/opposite party No. 2.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It has been submitted that the name of the petitioner has transpired in the confessional statement of co-accused/Jahangir Ansari. It has further been submitted that in the statement of the victim girl given under Section 183 B.N.S.S., she has not taken the name of the petitioner though she has stated the name of one friend of co-accused/Jahangir Ansari. It has next been submitted that the victim though in her statement has stated that she has been raped by co-accused/Jahangir Ansari and, thereafter, by his friend, but from the medical examination report, it would be evident that the Doctor, on examination, had found no recent sign of sexual activity, despite the fact that the victim girl was examined within



24 hours of the so-called incident. It has been submitted that on account of the same, the very allegations levelled against the petitioner and others gets falsified. It has further been submitted that on account of some personal rivalry between the families, that the petitioner has also been implicated in this case.

5. The learned counsel for the petitioner has submitted that though the petitioner carries altogether fourteen cases against his name, however they are all those cases where he has been implicated in the case registered under Section 392 of the Indian Penal Code. It has been submitted that the petitioner is in custody since 28.07.2025. The attention of this Court has also been drawn towards an order dated 04.07.2025, passed in Cr. Misc. No. 87093 of 2024, whereby co-accused/Jahangir Ansari has been granted the privilege of bail by this Court.

6. The learned Addl. Public Prosecutor for the State has vehemently opposed the prayer for bail and has submitted that there were two persons who had committed rape upon the victim girl and, therefore, he does not deserve the liberty of bail.

7. Regard being had to the facts and circumstances of the case and taking note of the fact that the medical report does not substantiate the allegations levelled against the



petitioner as also the period of his custody, let the petitioner, above-named, be released on bail on his furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bettiah Muffasil P.S. Case No. 451 of 2024, subject to the following conditions:-

(i) One of the bailors of the petitioner shall be his close relative and the other shall be a local resident.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the concerned Court.

(iv) If the petitioner, in future, is found to be involved in similar nature of offence(s), the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The concerned Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he has concealed his criminal antecedent, the Court concerned shall take necessary steps for cancellation of his bail bond. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the concerned Superintendent of Police within fifteen (15) days of his release with a copy of this order and every two weeks



thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the concerned Superintendent of Police and if it is found wanting in any respect, a report shall be made to the Court concerned by him to initiate a proceeding for cancellation of bail of the petitioner for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the Court concerned.

8. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

9. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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