IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76224 of 2026

CNR No. BRHC011099832026

Arising Out of PS. Case No.-73 Year-2026 Thana- MAHILA P.S. District- Kishanganj

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Naiyar Alam S/O Late Jahangir Alam @ Md. Jahangir Resident of village - Satkauwa, P.S. - Dighalbank, District - Kishanganj

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXXX S/O YYYY Father of victim girl, Resident of village - Haruandanga, Ward no. 8, P.S. - Dighalbank, District - Kishanganj

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Raj Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 04-11-2026 Heard Learned Counsel for the petitioner and Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Kishanganj Mahila P.S. Case No. 73 of 2026, lodged on 27.07.2026, under Sections 64(1)/303(2)/351(2) and 351(3) of the BNS, 2023, under Section 4 of the POCSO Act and under Section 67A of the I.T. Act, pending in the Court of learned Exclusive Special Judge (POCSO), Kishanganj.

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3. As per the prosecution, the FIR has been lodged against the sole petitioner with allegation that the petitioner committed rape with the informant's daughter on the threat of knife and made obscene video of the incident. It is alleged by the informant that when he tried to complain about the incident, the petitioner threatened to make the video viral and has continued to sexually exploit his daughter.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that the alleged occurrence took place on 29.08.2025 and the present FIR has been lodged after about 11 months of the alleged occurrence. He submits that the petitioner and the victim are resident of the same village and there is no eyewitness of the occurrence. He submits that according to the prosecution the victim girl was minor on the alleged date of occurrence but during course of investigation the victim was medically examined by the doctor who determined her age in between 16 to 18 years. Counsel submits that antecedent of the petitioner is clean and he ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the victim has supported

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the allegation made against the petitioner in the FIR in her statement under Sections 180 and 183 of the BNSS. He submits that in the rejection order also the Exclusive Special Judge has acknowledged that other witnesses have supported the prosecution case.

6. Considering the nature of allegation against the petitioner, this Court is not inclined to grant bail to the petitioner. Hence, the prayer for anticipatory bail of the petitioner is hereby refused.

(Dr. Anshuman, J)

Mkr./-

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