

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78570 of 2025**

Arising Out of PS. Case No.-213 Year-2025 Thana- SIMRAHA District- Araria

Md. Munajir @ Md Munajid @ Munazir Alam @ Monazir Alam Son of Md. alam @ Md. Alimuddin R/o Village - Bokra, Ward no. 7, P.S. - Simraha, Dist. - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Wife of Md. Mojahid Alam R/o Village - Haldiya Bokra, Ward no. 05, P.S. - Simraha, Dist. - Araria.

... .. Opposite Party/s

**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Gopal Kumar Jha, Advocate |
| For the State        | : | Mr. Upendra Kumar, APP        |
| For the Informant    | : | Mr. Sachina, Advocate         |
|                      |   | Mr. Shashwat, Advocate        |

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

3      21-01-2026                      Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Simraha P.S. Case No. 213 of 2025 dated 03.09.2025, registered for the offences punishable under Sections 137(2), 126(2), 115(2), 109, 74 and 3(5) of B.N.S., 2023.

3. As per allegation a 14 years' old daughter of the informant had gone to a shop to purchase *Tiranga Jhanda* for the occasion of independence day, but she could not return to her home. Efforts to search the daughter went in vain. On the next date, she was found in unconscious condition near the *baswari* (cluster of bamboos) at the distance of 300 metres from



her home. Thereafter, she was taken to her home and got admitted in Sadar Hospital, Araria. In the course of treatment, she regained consciousness for some time and stated to her father that when she was on way to the shop to buy the flag, the accused petitioner along with other persons came in a white colour car and she was forcibly lifted into that car.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that as per the allegation, the occurrence had taken place on 14<sup>th</sup> of August, 2025, whereas the case has been reported to the police on 28.08.2025 i.e. after 14 days of the occurrence. He further submits that as per the medico-legal examination, the alleged offence is not supported and not only charge-sheet has been submitted, but even charge has been framed in this case.

5. He further submits that the petitioner has been languishing in jail since 04.09.2025.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedent.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



8. However, learned APP for the State and learned counsel for the Informant vehemently oppose the prayer of the petitioner for bail submitting that the alleged offence is very heinous in nature and the minor daughter of the informant has been sexually assaulted by the petitioner. They refer to medico-legal examination report made by G.M.C.H., Purnea as per which, it has been clearly stated that hymen of the victim was torn. They also refer to the statement of the victim as made under Section 183 of BNSS in which she has clearly stated that when she was on way to the shop, one car came to her wherein she was forcibly got seated and bandage was put on her eye and 5-6 persons were sitting in that car, including the petitioner and her mouth was also closed by some bandage and she was taken to unknown place. She got unconscious in course of rape by the one and thereafter, she was unaware of the subsequent development.

9. Considering the aforesaid facts and circumstances and nature of the alleged offence and material on record, I am not persuaded to enlarge the petitioner on regular and accordingly, it is hereby rejected.

**(Jitendra Kumar, J)**

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