

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14655 of 2025**

Arising Out of PS. Case No.-751 Year-2024 Thana- MUZAFFARPUR SADAR District-  
Muzaffarpur

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Nitin Kumar @ Kumar Nitin Raj @ Nitin Kumar Raj Son of Mr. Arun Kumar  
Resident of Mohalla - Bibiganj, Saketpuri, Road No.- 03, P.S.- Sadar, District  
- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ayushi Kumari D/O- Mantu Kumar R/O- Bibiganj Saketpuri, Road No. 3,  
P.S.- Sadar, Distt.- Muzaffarpur

... .. Opposite Party/s

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**Appearance :**

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|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Shashi Bhushan Singh, Adv. |
| For the Opposite Party/s | : | Mr. Ashok Kumar Singh, APP     |
| For the Informant        | : | Mr. Hemant Ray, Adv.           |

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

3      12-05-2025                      Heard the learned Advocate for the petitioner, learned  
Advocate for the informant and the learned APP for the State.

2. The petitioner apprehends his arrest in connection  
with Sadar P.S. Case No. 751 of 2024, registered for the  
offences punishable under Section 354 of the Indian Penal Code  
and Section 8 of the POCSO Act.

3. The allegation against the petitioner is of  
misbehaving with the O.P. No. 2 and tried to ravish her.

4. Learned Advocate for the petitioner contended that  
that the alleged occurrence took place long back on 03.04.2023  
and thereafter, she was subjected to threatening. However, the



statement of the victim was recorded on 04.09.2024 and later on, it was sent to the concerned police station and accordingly, the FIR came to be registered. The petitioner and the O.P. No. 2 are none else but the own cousin and during the course of investigation, it has come that there is a dispute regarding partition of the property and there is every chance of false implication, as has been disclosed by the grandfather, whose statement has been recorded by the police. It is further contended that the statement of the victim was recorded under Section 183 of the BNSS, wherein she has only alleged that the petitioner tried to misbehave with her. It is lastly contended that, be that as it may, the petitioner is a boy of tender age, having close relationship with the victim and, as such, keeping him behind the bar would serve no purpose. However, he undertakes that he will not indulge in intimidating the victim and her family members.

5. On the other hand, learned counsel for the State and the informant opposed the pre-arrest bail application and submits that because of the act of the petitioner, the victim was subjected to medical trauma, leading to severe ailment and deterioration of her health. The trust of the victim was broken by her cousin and, as such, the petitioner does not deserve any sympathy.



6. Regard being had to the submissions made on behalf of the parties and considering the close relationship and the genesis of the occurrence as well as the delay in lodging of the FIR, coupled with the fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.M-cum-Special Judge, POCSO Act, Muzaffarpur in connection with Sadar P.S. Case No. 751 of 2024, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further conditions that **(i)** one of the bailors shall be the own/close family members of the petitioner; **(ii)** if the petitioner shall be indulged in misbehaving or in intimidating the victim or her family members, the O.P. No. 2 shall be at liberty to file an application before the jurisdictional Court.

**(Harish Kumar, J)**

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