

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.472 of 2025

Arising Out of PS. Case No.-150 Year-2024 Thana- PIRI BAZAR District- Lakhisarai

Nitish Kumar @ Ghunghuru Son of Late Bhuneshwar Mahto Resident of
Maheshpur, P.S. - Piribijar, District - Lakhisarai

... .. Appellant/s

Versus

1. The State of Bihar Bihar
2. X Daughter of Shri Sitaram Chaudhary Resident of Village - Piribijar, P.S. -
Piribijar, District - Lakhisarai

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Thakur, Adv.
For the Respondent/s	:	Mr.Sadanand Paswan, SPP
		Mr. Randhir Kumar No.1, Adv.
		Mr. Mayank Bilochan, Adv.

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

ORAL ORDER

4 08-05-2025 Heard learned counsel for the appellant, learned

Special Public Prosecutor for the State and learned counsel for

the informant. Perused the case diary.

2. The instant appeal has been filed by the appellant
against the order date 09.01.2025 passed by Additional Sessions
Judge-I cum Special Judge, SC/ST, Lakhisarai whereby the
prayer for bail of the appellant in connection with Piribazar P.S.
Case No. 150 of 2024 under Sections 64(1), 316(1), 352 and
351(1) of the Bhartiya Nyaya Sanhita, 2023 and Sections 3(i)(r)
and 3(i)(s) of SC/ST (PoA) Act, was rejected.

3. As per prosecution case, the accusation against the



appellant is of repeatedly making physical relationship with the Informant/victim girl on the false pretext of solemnizing marriage with her.

4. Learned counsel for the appellant submits that the appellant is innocent and has has falsely been implicated in the present case due to ulterior motive. He further submits that the allegation made in the F.I.R. and the statement of the victim girl recorded under Section 183 of the B.N.S.S. is contradictory to each other which creates doubt in the veracity of the prosecution case. The victim girl has refused to get herself medically examined. The victim girl in her 183 B.N.S.S. statement has stated that she knows the appellant since 2011 and both are in love. She has also not made any specific allegation against the appellant. The victim girl is an adult, aged about 29 years and there there was consensual relationship between both the parties. Charge-sheet has been submitted in this case. The appellant is in custody since 01.12.2024 and has one criminal antecedent in which he is on bail.

5. Learned Special P.P. for the State and the informant have vehemently opposed the prayer for grant of bail to the appellant.

6. Having heard learned counsel for the parties and



considering the entire facts and circumstances of the case and the period of custody undergone by the appellant, this Court is inclined to allow this appeal. Accordingly, the appeal is allowed and order dated 09.01.2025 passed by Additional Sessions Judge-I cum Special Judge, SC/ST, Lakhisarai is hereby set aside.

7. Let the appellant, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Piribazar P.S. Case No. 150 of 2024.

(Rudra Prakash Mishra, J)

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