

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12399 of 2025

Arising Out of PS. Case No.-376 Year-2024 Thana- KAHALGAON District- Bhagalpur

Nilesh Kumar @ Nikki Kumar @ Nikku Kumar Son of Raj Kumar Gupta
Resident of village -Sadanandpur Baisa PS -Kahalgaon District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surabhi Suman, Adv.
For the informant	:	Mr. Santosh Kumar Singh, Adv.
		Mr. Praveen Kumar Agrawal, Adv.
For the Opposite Party/s :		Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 17-06-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kahalgaon P.S. Case No. 376 of 2024 dated 25.06.2024 registered for the offences punishable u/ss 417, 376, 313 and 506 of the Indian Penal Code.

3. As per the prosecution case, two years ago, the petitioner came to the informant's house and forcibly established physical relationship with her and when the informant threatened to tell her parents about the incident then the petitioner made a false promise of marriage and established physical relation with the informant on the pretext of marriage. The petitioner also recorded a video of them indulged in the act. Thereafter, the



informant became pregnant, the petitioner gave her medicine which resulted in the abortion of the child. On 10.06.2024, when the informant asked him about marriage then he threatened to circulate the aforesaid video.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is a delay of 15 days in lodging the F.I.R. without any explanation. It is further submitted that the informant who is said to be the victim was 20 years old when she lodged the FIR and from the facts of the FIR, it is clearly established that there was consensual relationship between the informant and the petitioner and the same remained in force for about more than two years and during that period, the informant remained silent, so, the alleged offence u/s 376 of the I.P.C. is not made out against the petitioner. As per the medical report of the victim, there is no evidence of recent sexual intercourse. Learned counsel has further submitted that no medical evidence or document have been produced by the informant regarding the abortion of the informant. The petitioner has no concern with the alleged offence. The victim in her statement recorded u/s 164 of the Cr.P.C. has not stated that she was raped by the petitioner two years back. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 18.12.2024.



5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the anticipatory bail application of the petitioner was earlier rejected by a Coordinate Bench of this court vide order dated 16.12.2024 passed in Cr. Misc. No. 63875/2024.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bhagalpur in connection with Kahalgaon P.S. Case No. 376 of 2024 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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