

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13444 of 2025

Arising Out of PS. Case No.-58 Year-2024 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Kush Kumar S/o- Harendra Lal R/V- Nahauna PS-Sasaram Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mrs. Priyanka Singh, Advocate
For the Informant	:	Mr. Ashutosh Tiwary, Advocate
For the Opposite Party/s	:	Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 10-07-2025 Heard Mr. Ansul, the learned Senior Counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in a case registered for the alleged offences under Sections 63, 351, 351(3), 352 of the BNS (corresponding Sections 375, 506 and 504 of the Indian Penal Code.).

3. The allegation in the FIR is that the petitioner came in contact with the informant and upon developing trust, the informant had transferred altogether Rs. 5 lacs in cash and Rs. 395 lacs through UPI and also opened a music studio. It is further alleged that taking advantage of their closeness the petitioner had committed rape upon her and when the informant



protested the petitioner threatened her to make her photograph and video viral.

4. Learned Senior Counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned Senior Counsel for the petitioner has further submitted that from mere perusal of the FIR, it would be evident that there is references of certain monetary transactions and it was the main cause of his false implication. Learned Senior Counsel has further submitted that it was on account of the failed business between the petitioner and the husband of the informant the present case has falsely been lodged only to coerce the petitioner to transfer certain amounts in favour of the informant. Learned senior counsel has submitted that the charges have already been framed and he shall be cooperating in the trial even if it is held on day to day basis. Lastly, it has been submitted that the petitioner has clean antecedent and is in custody since 06.12.2024.

5. Learned counsel for the informant as well as learned counsel for the State vehemently opposed the prayer for bail and have stated that there is a specific allegation against the petitioner of physically abusing the informant and taking advantage of her personal photos and videos; he had been



committing rape over a period.

6. Considering the aforesaid facts and circumstances of the case and taking into account the fact that the petitioner is in custody since 06.12.2024 and also the fact that charges have already been framed, let the petitioner, above named, 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 learned court below/concerned Court with Mahila P.S. Case No. 58 of 2024, subject to the following conditions:

- (i) The petitioner shall not approach the informant or any of the family members or the victim girl to either coerce or threaten during the pendency of the trial.
- (ii) The petitioner should refrain interaction with the victim or the prosecution side.
- (iii) One of the bailors of the petitioner shall be his close relative.
- (iv) The petitioner shall remain physically present in Court on each date of the trial.
- (v) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.
- (vi) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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