

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11894 of 2025

Arising Out of PS. Case No.-104 Year-2022 Thana- BAKHTIYARPUR District- Patna

Nilesh Kumar Son of Shaligram Saw Resident of Village - Simari, P.S. -
Bakhtiyarpur, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kalpana Devi Wie of Sunil Kumar Resident of Village - Simari, P.S. -
Bakhtiyarpur, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jainendra Kumar Pushkar, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 16-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
S.T. No. 49/2025 arising out of Bakhtiyarpur P.S. Case No.
104/2022 registered for the offences under Section 376 of the
I.P.C.

3. As per the FIR, the petitioner has committed rape
of the informant and recorded her obscene videos on gun point
and used it to blackmail her and even threatened her of making
the said video viral.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. Learned counsel further submits that the petitioner and informant were having an affair and she had been talking to him on phone for a long time and later it was her husband who threatened her of leaving her or giving her a divorce, then the present case was lodged. Learned counsel further submits that the victim in her statement recorded under Section 164 Cr.P.C. has not stated about any sexual assault and she has admitted to the affair which was going on between them and that she had been talking to the petitioner on phone. It is lastly submitted that the petitioner has clean antecedent and is languishing in custody since 27.09.2024.

5. Learned counsel for the State has opposed the prayer for bail of the petitioner and submits that there is allegation of rape upon the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the statement given by the victim under Section 164 and considering the period of custody of the petitioner, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-1st Patna in connection with S.T. No. 49/2025 arising out



of Bakhtiyarpur P.S. Case No. 104/2022 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. 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.
- d. The 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 antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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