

0IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38217 of 2025

Arising Out of PS. Case No.-476 Year-2025 Thana- PHULWARISHARIF District- Patna

Nukul Kumar @ Nakul Sharma S/o Dharmendra Kumar @ Dharmendra
Sharma R/o Mohalla - New Police Colony, Chhedi tola, P.S.- Phulwarisharif,
Distt.- Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Aprna Raj D/o Sudhir Kumar R/o vill - Phuliaa Tola, P.S.- Phulwarisharif,
Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Atul Dayal, Advocate
For the State : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2025 Heard Mr. Atul Dayal, learned counsel for the

petitioner as well as Mr. Chandra Bhushan Prasad, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Phulwarisharif P.S. Case No. 476 of 2025, F.I.R.
dated 22.03.2025 for the offences punishable under Sections
126(2), 127(2), 109, 115(2), 64 of the BNS and Section 27 of the
Arms Act.

3. According to prosecution case, the petitioner is
said to have established physical relationship with the informant
on the false pretext of marriage. When informant compelled him
for marriage and resisted engaging in physical relationship, he
assaulted her and also fired upon her.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that statement of victim has been recorded under Section 164 of the Cr.P.C./ 183 of the BNSS in which she has not supported the prosecution story and she has also refused for her medical examination.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent, the victim has not supported the case of the prosecution in her statement recorded under Section 164 of the Cr.P.C./ 183 of the BNSS and she has also refused for her medical examination, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Patna in connection with Phulwarisharif P.S. Case No. 476 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that 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 above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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