

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64245 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- SAKURABAD District- Jehanabad

Nitish Kumar Son of Rajkumar Ram R/o Village and PO - Patiyawan, P.S.-
Shakurbaad, Dist.- Jehanabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sristy Patel

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-09-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 126(2),
115(2), 64, 352, 351(2), 3(5) of the B.N.S.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that petitioner, her cousin Devar on point of gun
threatened her several times and even tried to commit rape,
further about three years back, the petitioner had raped her and
had also video-graphed the occurrence and threatened to make
the video viral and also threatened to kill her husband and elder
son, as such on account of fear the informant along with her
family left their house, it is next alleged that when they returned



on 20.03.2025 the petitioner again raped her and when she informed the petitioner's family members, they abused and assaulted her.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that the date of occurrence is 20.03.2025 and the FIR came to be instituted on 21.04.2025 i.e. after a delay of more than 31 days without any plausible explanation. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that it does not appear probable that petitioner would have raped the informant and the informant out of fear would have remained silent for so long. It is next submitted that at Para-8 of the anticipatory bail application, it has been specifically pleaded that petitioner purchased a house with a total area of 1.88 decimal of land, registered through Sale Deed No.13081 dated 21.12.2024 from his own gotiya, the house has two mud built room, one is occupied by the petitioner and other has been occupied by the informant's husband for a very long time, after the house was purchased, the petitioner asked the informant and her family to vacate the room they are occupying as he had purchased the same, on account of which, a dispute had arisen



and the present false case came to be instituted. It is also submitted that even injury report does not record any internal injury nor any foreign bodies was found in the private part of the informant as would manifest from Annexure-3 to the anticipatory bail application. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Shakurabad P.S. Case No.100/2025, subject to the conditions as laid down under Section 482(2) B.N.S.S.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner



despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

amit/-

U		T	
---	--	---	--

