

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68789 of 2025

Arising Out of PS. Case No.-146 Year-2025 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Nitish Kumar S/o Raj Kumar Ray R/o Village - Baghra, P.S.- Mohanpur,
District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kiran Devi W/o Shri Devnarayan Ray R/o Village - Tetarpur, Ward No. 7,
P.S - Mohiuddin Nagar, District - Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Ranjan, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Saobiya Mushtafa, Advocate
		Mr. Malika Trannum, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 24-11-2025 Heard Mr. Rajeev Ranjan, learned counsel for the

petitioner; Mr. Saobiya Mushtafa, learned counsel for the

informant and Mr. Choubey Jawahar, learned APP for the State.

Perused the case diary.

2. The petitioner seeks bail in connection with
Mohiuddin Nagar P.S. Case No. 146 of 2025 instituted for the
offences under Sections 329(3), 329(4), 75(2), 75(3), 74, 76 of
the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the
POCSO Act.

3. Accusation against the petitioner is of commission
of rape upon the informant's minor daughter.



4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Learned counsel further submitted that informant and the brother-in-law of the petitioner are next door neighbours and a oral dispute between the two is running and due to the said reason, the petitioner is being dragged in this case. Learned counsel further submitted that petitioner never committed any offence as alleged in the FIR. Learned counsel further submitted that upon perusal of the statement of the victim recorded under Section 183 of the BNSS, it appears that this petitioner never established physical relationship with the victim. It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.07.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioner stating that victim in her statement recorded under Section 183 of the BNSS has supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances of the case, Section 183 BNSS statement of the victim as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.



7. Let the petitioner be released on bail, *after framing of charge, if not already framed*, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mohiuddin Nagar P.S. Case No. 146 of 2025, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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