

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68698 of 2025

Arising Out of PS. Case No.-126 Year-2025 Thana- Lakho District- Begusarai

Nishant Kumar Son of Dharmveer Ray R/o village - Dhabauli, P.S.- Lakho,
District - Begusarai, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXXX Daughter of Tuntun Bhagat R/o village - Dhabauli, P.S.- Lakho,
District - Begusarai, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritesh Jha, Advocate
For the Opposite Party/s	:	Mrs. Renu Kumari, APP
For the Informant	:	None

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

ORAL ORDER

4 24-11-2025 Heard Mr. Ritesh Jha, learned counsel for the

petitioner and Mrs. Renu Kumari, learned APP for the State.

None appears on behalf of the informant despite notice being

validly served. Perused the case diary.

2. The petitioner seeks bail in connection with Lakho
P.S. Case No. 126 of 2025 instituted for the offences under
Sections 351(2), 352, 69 of the Bharatiya Nyaya Sanhita, 2023
and Sections 8/12 of the POCSO Act.

3. Accusation against the petitioner is of making
physical relationship with the victim on the pretext of marriage.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.



Learned counsel for the petitioner submitted that upon perusal of the statement of the victim recorded under Section 183 of the BNSS, it appears that the physical relationship established by the petitioner was consensual one. Learned counsel further submitted that this petitioner never promised the victim for marriage and never established physical relationship with her against her will. Learned counsel for the petitioner submits that the said relationship was a consensual relationship between the parties. He has further placed reliance on cases of the Hon'ble Supreme Court since reported in **2018 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors)** and **(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)**. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.06.2025 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case 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 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 Lakho P.S. Case No. 126 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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