

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70191 of 2025

Arising Out of PS. Case No.-78 Year-2025 Thana- MAHILA P.S. District- Nalanda

MOHIT KUMAR Son of Rajendra Prasad Residence of Village - Nurarpur,
P.S.- Korma, District - Sheikhpura (Bihar). Presently residing at Naisarai,
Chaudhary Colony, P.S.- Bihar, District - Nalanda (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Akash Shankar, Adv. Ms. Nausheen Fatma, Adv. Ms. Archana Kushwaha, Adv. Mr. Raj Kumar, Adv. Mr. Shahnwaz Khan, Adv.
For the Opposite Party/s	:	Ms. Sharda Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Mahila P.S. Case No. 78 of 2025 registered for the offence under Sections 64(1), 126(2), 115(2), 352, 351(2) and 3(5) of the BNS and Section 66(D), 67, 67(A) of IT Act.

3. The petitioner is not named in the F.I.R. and is in custody since 18.06.2025.

4. As per FIR, named co-accused person committed rape upon informant who is married lady aged about 23 year. It is also alleged that photograph of private moment was also captured by co-accused persons.



5. Learned counsel appearing on behalf of the petitioner submitted that during course of investigation the name of this petitioner transpired during very advanced stage of investigation as to commit rape upon informant and also on false pretext to return the video clips of her private moment with named co-accused Bittu Kumar with whom she was in relationship. It is submitted that the informant was known to this petitioner but despite the same she failed to name him while lodging the present FIR, suggesting that implications was raised only to aggravate the allegation from general rape to gang rape. It is submitted that investigation is concluded and thereafter charge-sheet submitted on 09.08.2025 through charge-sheet no. 23 of 2025, therefore trial of this case must be concluded within two months, thereafter, in terms of Section 346(1) of BNSS but still this matter is pending for trial and on this ground alone petitioner deserves bail. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

6. Learned APP opposes the prayer of bail.

7. Learned counsel for the informant while opposing



the prayer of bail submitted that allegation of rape is available against this petitioner on pretext of helping to informant to get back her video clips from co-accused Bittu Kumar.

8. Let it be so, as informant is married lady, where allegation appears raised in the background of extra marital relationship, coupled with fact that the trial of this case failed to conclude within the timeline as provisioned under Section 346(1) of BNSS, accordingly petitioner above named, is directed to be released on bail in connection with Mahila P.S. Case No. 78 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Nalanda at Biharsharif /concerned court, subject to the conditions as mentioned under Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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