IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48145 of 2026

CNR No. BRHC010679292026

Arising Out of PS. Case No.-250 Year-2025 Thana- BEGUSARAI MUFFASIL District- Begusarai

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Nikku Kumar @ Divakar Kumar S/O Piyash Kunwar @ Piyush Kumar R/o Village- Maniappa, Ward No. 45, P.Sa.- Matihani, Distt.- Begusarai.

... ... Petitioner/s

Versus

1. The State of Bihar
2. XXX S/O YYYY R/O Mohalla- Hanumangadhi Dhi, P.S- Muffasil, Distt.- Begusarai.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mr. N. N. Tiwari, APP
For the Informant : Mr. Vinod Gautam, Advocate

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 28-10-2026 Heard Mr. Arvind Kumar, learned counsel for the petitioner, Mr. N. N. Tiwari, learned APP for the State, Mr. Vinod Gautam, learned counsel for the informant and perused the case diary.

2. The petitioner seeks bail in connection with Muffasil P.S. Case No. 250 of 2025, instituted for the offences punishable under Sections 127(2), 351(2), 352 of the Bharatiya Nyaya Sanhita, 2023, read with Section 4 and 6 of POCSO Act.

3. The prosecution case, in short, is that the petitioner along with other co-accused person has committed penetrative sexual assault upon the informant after taking him to a nearby

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isolated place on the way of his coaching institute.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the petitioner has not committed any such offence as alleged against him. It is next submitted that due to some dispute arose in between the petitioner and the informant, the petitioner has been falsely implicated in this case. It is further submitted that the informant was medically examined on the very same day of the alleged occurrence but no any injury has been found over any part of the body and the medical report does not corroborate with the FIR. The petitioner is in custody since 13.01.2026 and has got no criminal antecedent. Learned counsel for the petitioner further submits that other co-accused has been granted regular bail by a Co-ordinate Bench of this Court vide order dated 08.09.2026 passed in Cr. Misc. No. 39451 of 2026.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, medical report of the victim/informant and taking

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into account 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 Muffasil P.S. Case No. 250 of 2025.

(Rudra Prakash Mishra, J)

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