

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68241 of 2025

Arising Out of PS. Case No.-31 Year-2025 Thana- ALIPUR District- Gaya

Nikhil Kumar @ Tabahi Kumar @ Chhotu Kumar S/o Late Rajesh Sharma
R/o Village- Sahwara, P.S.- Mau, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. XX D/o Tuntun Paswan R/o Village- Itohri, P.S.- Alipur, District- Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mrs.Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 04-02-2026

Heard the learned counsel for the parties.

2. This is an application for regular bail on behalf of the petitioner for the offences alleged under Sections 115(2), 126(2), 74, 70(2), 352, 351(3), 303(2) and 3(5) of the BNS, registered in connection with Alipur P.S.Case No. 31 of 2025.

3. As per allegation, the petitioner facilitated co-accused Rikit Kumar in committing rape on the informant, while she was going to attend the call of nature.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. There is no allegation of rape against him, rather the allegation is against co-accused Rikit Kumar. The allegation against the petitioner is that he was having a pistol, while co-accused was committing physical relation with the victim. The learned counsel has submitted further that the



medical report shows that no mark of violence was present, neither alive spermatozoa was found. The doctor failed to give his opinion mentioning that comment on recent sexual intercourse cannot be made, in absence of forensic report. The petitioner is in custody for a period of 09 months.

5. Considering the above facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO-cum-District and Additional Sessions Judge-VII, Gaya in connection with Alipur P.S. Case No. 31 of 2025, [subject to the following condition that the petitioner shall cooperate in the disposal of trial **and make himself available on each and every date fixed in the court below, and if he fails to appear on two consecutive dates, unless he is prevented by extremely adverse circumstances, the court below shall be at liberty to cancel his bail bond.**

(Nawneet Kumar Pandey, J)

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