

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.78443 of 2025**

Arising Out of PS. Case No.-310 Year-2025 Thana- KHAGAUL District- Patna

Nilmani Kumar son of Ramvilas Singh @ Ramvilash singh Resident of  
Village- Puri Police Station -Pawapuri District -Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXX Wife of YYY Resident Of Village - Raghunabpur, Ps- Nagarnausa,  
Dist- Nalanda at p/A-Residing At Ashok Nagar, Near Ram Mandir, Ps-  
Kankarbagh, Dist- patna

... .. Opposite Party/s

**Appearance :**

|                      |   |                                                                |
|----------------------|---|----------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Harsh Singh<br>Mr. Abhijeet<br>Mr. Nilendu Kumar Choudhary |
| For the Informant    |   | Mr. Ram Kumar Singh                                            |
| For the State        | : | Mr. Arun Kumar                                                 |

**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

4      11-03-2026                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned Additional Public  
Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the  
offence punishable under Section 65(1) of the B.N.S. and  
Section 4 of the POCSO Act.

3. Petitioner is said to have committed rape with the  
minor daughter of the informant.

4. Learned counsel for the petitioner has submitted  
that the petitioner is a young boy aged about 19 years at the time  
of the incident and he was sharing a love relationship with the  
victim who was also a young girl and he never committed any



sexual assault upon the victim. Even from the statement of the victim girl recorded Section 183 of the B.N.S.S., it would be evident that it was she who had messaged the petitioner on Instagram whereafter both started talking to each other and thereafter they even became intimate. However, the victim has specifically denied the fact that any force or coercion was exercised upon her. Earlier the petitioner had been granted the privilege of bail for the purposes of his examination as he happens to be a student and he has surrendered within time, without any misuse of the privilege of bail as would be evident from the supplementary affidavit. Further, the petitioner is languishing in custody since 12.09.2025 with no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have opposed the application for bail on the ground that the victim happens to be a minor and as such her statement disclosing her consent would be no consent in the eyes of law.

6. Taking into consideration the rival contentions of the parties and also considering the statement of the victim recorded under Section 183 of the B.N.S.S. coupled with the fact that the petitioner himself is a young student aged about 19



years at the time of the incident and a possibility of a love relationship and some youthful indiscretion being present, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Khagaul P.S. Case No. 310 of 2025, subject to the conditions that:

(I) One of the bailors will be a family member/close relative.

(II) The petitioner shall appear on each and every date till conclusion of trial and if the petitioner does not appear on two consecutive dates without any substantial and satisfactory reason, the learned court below would be at liberty to cancel his bail bonds.

**(Soni Shrivastava, J)**

devendra/-

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