IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48393 of 2026

Arising Out of PS. Case No.-263 Year-2026 Thana- BALIYA District- Begusarai

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Nitish kumar @ Nitish, Son of Narayan Choudhary @ Late Narayan Choudhary, Resident Of Mohalla- Ward no. 22, Lakhminian, Kaji Tola, Manari Gachhi, P.S.- Ballia, Dist- Begusarai

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Mrs. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 20-08-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Ballia P.S. Case No. 263 of 2026 lodged on 08.05.2026, for the offence punishable under Section 115(2), 126(2), 329(4), 352, 351, 76 and 3(5) of the Bharitya Nyaya Sanhita, 2023. Later on sections 62 and 64 of BNS has been added.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioner against whom FIR has been filed that the maternal aunt of the informant is the victim with whom the petitioner and one another tried to outrage the modesty and upon hue and cry of informant’s maternal aunt the people of the locality reached

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there and thereafter they have fled away after abusing and assaulting.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that antecedent of the petitioner is clean and he is in custody since 09.05.2026. Counsel further submits that the story on which the present FIR has been lodged is itself doubtful. The name of the petitioner has been inserted in this case only due to political rivalry and in the background of plucking flowers from the garden of the petitioner's family as well as playing of the children. When the petitioner stopped to do such act by the Informant's family and their children, this false case has been lodged. Counsel further submits that the age of the petitioner is 22 years, the alleged victim is about 30 years of age. Counsel further submits that on previous occasion, case diary, statement of victim girl and medical report, if any were called for. From the case diary, save and except, the family statement, no other independent witness has come forward to support the prosecution story.

5. Learned APP for the State, on the other hand, opposes the prayer for bail of the petitioner and submits that the allegation of outrage of modesty is alleged in the FIR and it has

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also come in the investigation. Counsel further submits that the CJM has called the victim girl for her statement under Section 183 of the B.N.S.S. and even in presence of Special Educator, the alleged victim was not in a position to understand what the educator was saying. It is due to this reason her statement under Section 183 B.N.S.S. could not be recorded. Counsel fairly submits that there is no statement recorded under Section 183 B.N.S.S. in the present case.

6. Upon perusal of the record and case diary, it transpires to this Court that statement of victim has taken place under section 180 of the B.N.S.S. in a clear cut language recording by the interpreter, whereas when she appeared before the CJM, and the CJM was not in a position to understand her statement then the Special Educator appointed, was also failed to understand anything.

7. This creates doubt in the mind of the Court that the same victim has disclosed everything to the police under section 180 of the B.N.S.S. but the CJM acknowledged that under section 183 she is not in a position to express anything.

8. Due to the doubt created in the statement recorded under Sections 180 and 183 of the BNSS, let the above-named petitioner be granted bail on furnishing bail bond of Rs.30,000/-

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(Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of court of CJM, Begusarai, in connection with Ballia P.S. Case No. 263 of 2026, subject to the conditions as laid down U/s 480(3) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

Somesh/Anjali/-

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