

In the Court of Dist. & Addl. Sessions Judge-1, Begusarai

B.A. No. 735 of 2026

Arising out of Ballia P.S. Case No. 263/2026

Nitish Kumar Vrs. State of Bihar

16.06.2026

1. A bail petition dated 22-05-2026 has been filed on behalf of petitioner namely; **Nitish Kumar** s/o-Narayan Choudhary R/o-village-Kaji Tola, Manari Gachhi, P.S-Ballia, Dist.-Begusarai who is in custody since 09.05.2026 in connection with Ballia P.S Case No.263/2026 for committing an offence u/ss-115(2), 126(2), 329(4), 352, 351, 76, 3(5) of B.N.S and added section 62/64 of BNS.

2. The prosecution case in brief is that on 08.05.2026 at about 03:30 p.m informant's maternal aunt who is stated to be dumb, was sitting at the doorstep of her house. Then, present petitioner Nitish Kumar and co-accused Rahul Kumar came and caught hold of said Nisha Kumari, pressed her mouth, dragged her inside the house, threw her into a room and started molesting her, attempted to remove her clothes. When she objected, they assaulted her. On hearing, nearby people came there, then both accused fled away from there. So this case.

3. The learned counsel on behalf of the petitioner has submitted that no any B.A or ABA has been filed before this court or before the Hon'ble High Court, Patna. The petitioner is quite innocent and he has committed no offence. The petitioner has been falsely implicated in this case. There is no allegation of rape or completed penetrative sexual assault in the original FIR, rather the allegations are of alleged molestation/attempt and the later addition of sections 62 and 64 of BNS appears to be an afterthought and embellishment. There is no independent medical evidence on record showing injuries consistent with the grave allegations against the petitioner. The petitioner is in judicial custody since 09.05.2026. There is no criminal antecedent of the petitioner. So considering these facts the petitioner may be enlarged on bail.

4. On the other hand, the Addl Spl. PP for State has vehemently opposed the prayer of bail to the petitioner.

5. Having heard both the parties and perused the case record as well as case diary. On perusal of record, it appears that the petitioner is named in the FIR and there is direct and specific allegation against this petitioner that he along with other

Present: Sanjay Kumar-III
Dist. & Addl. Sessions Judge-1, Begusarai
BA No. 735/2026
Nitish Kumar Vrs. State of Bihar
Date of Order: 16.06.2026

co-accused have caught hold of the informant's dumb maternal aunt, pressed her mouth, dragged her inside the house and attempted to molest her by trying to remove her clothes. The victim was saved only due to the timely intervention of neighbours and alarm raised by children. The victim is a specially-abled woman. The offence is serious and heinous in nature, committed rape and other offences under BNS with the informant/victim. The victim has gestured that this petitioner entered into her house, closed her mouth and committed rape. Moreover the informant in her re-statement in para 2 and the witnesses in para 6, 7 & 8 of the case diary have fully supported the prosecution case. From para 56 of the case diary, this Court finds that the victim girl is a special child, unable to speak and for this the I.O has prayed for the appointment a special education to get the statement recorded u/s-183 of BNS. The petitioner is named accused in FIR, registered u/ss-115(2), 126(2), 329(4), 352, 351, 76, 3(5) of B.N.S and added section 62/64 of BNS and the investigation is going on.

6. Considering the above facts and circumstance and the seriousness of the offence and further taking into consideration that investigation is still going on; this Court is of the view that petitioner does not deserve bail. Accordingly, the prayer for bail of the petitioner namely, Nitish Kumar is hereby **rejected**.

(Dictated & Corrected)

Sd/-

(Sanjay Kumar-III)

Dist. & Addl. Sessions Judge-1,
 Begusarai/16-06-2026

Date of Judgment / Order	16.06.2026
Date of Reseving Judgment / Order	N.A
Uploading Date	20.06.2026
Uploaded by	J.P