

**In the Court of Sri Santosh Kumar Tiwary**  
**Principal District & Sessions Judge, Sheikhpura.**  
**B.P. No:- 276/2026**  
**State of Bihar vs. Abhishek Kumar @ Chhotu Kumar**

Abhishek Kumar @ Chhotu Kumar  
S/o Shiv Shankar Ram @ Surendra Ram  
R/o Village – Kumaitha, P.S. - Halsi  
District – Lakhisarai.....Petitioner.

**Vs**

The State of Bihar .....Opposite Party.

---

For the Petitioner :- 1. Sri Arun Kumar, Ld. Advocate.  
2. Sri Manoj Kumar, Ld. Advocate.  
For the O. P. (State) :- Sri Uday Narayan Sinha, Ld. P. P.

---

**ORDER.**

**10.03.2026** Bail petition has been filed on behalf of accused petitioner Abhishek Kumar @ Chhotu Kumar under custody since 29.12.2025 in connection with Sheikhpura (Mahila) P.S. Case No. 33/2025. The present case has been registered against the accused petitioner and others for committing the offence U/s. 64, 352, 351(2), 303(2), 3(5) of B.N.S. The present petitioner is also named in the FIR with the allegation that he has committed the alleged offence of rape. Hence, he has moved this bail petition U/s. 483 of B.N.S.S-2023. Ld. P.P. submitted case diary.

As per written report of informant Varsha Kumari, prosecution story in brief is that she lived with her three children as a tenant in Vijay Yadav's house. Her husband, Niwas Ram, had gone to Tamil Nadu to work as a private labourer. On 17.12.2025, her sister's brother-in-law, Abhishek Kumar @ Chhotu Kumar, came to her room at around 8:00 P.M. While talking, he began molesting her with malicious intent. When she resisted, he separated her from her child and forcibly raped her. She managed to escape, locked the door, and called the police. Seeing the police vehicle arrive, Abhishek Kumar @ Chhotu Kumar fled from the informant's house with Rs. 7,500/-. When the informant called accused's home to report the incident, his mother Kanti Devi, father Shivshankar Ram, and Golu Kumar all abused her over the phone and threatened to kill her. She then told her father Ashok Ram, mother Shobha Devi, and husband Niwas Ram, about the incident.

Learned Advocate for the petitioner has submitted that accused petitioner is innocent and has not committed any offence, rather he has been falsely implicated in this case. Prior to this bail petition, the accused petitioner has not filed any bail petition before this Court or before Hon'ble High Court, Patna. The accused petitioner has no criminal antecedent. The entire story

**Cont....**

**In the Court of Sri Santosh Kumar Tiwary**  
**Principal District & Sessions Judge, Sheikhpura.**  
**B.P. No:- 276/2026**  
**State of Bihar vs. Abhishek Kumar @ Chhotu Kumar**

**Cont...**

**10.03.2026** of the informant is fabricated, the accused petitioner has been implicated in this case only to harass the accused petitioner and his family and to extort huge amount of money from them. It is very surprising that the informant has also made the father, mother and brother of the petitioner as accused in this case. The accused petitioner is completely innocent and he has been framed by the informant to exert pressure. Co-accused have been granted anticipatory bail by this Court vide A.B.P. No. 38/2026 dated 07.02.2026 and A.B.P. No. 100/2026 dated 17.02.2026. The accused petitioner is in judicial custody since 29.12.2025.

Ld. P.P strongly opposed the prayer for bail and has submitted that accused petitioner is fully involved in the alleged offence and there is direct allegation of rape against the accused petitioner. There is sufficient material against the accused petitioner showing his complicity in the alleged serious offence. Investigation is still pending.

Heard Ld. Advocate for the accused petitioner as well as Ld. Public Prosecutor and perused the record. From perusal of case record, it transpires that the accused petitioner is named in the FIR and there is direct allegation of committing rape against him with the informant. The witnesses of the case diary have fully supported the involvement of the accused petitioner in the alleged serious offence. The allegation against the accused petitioner is that on 17.12.2025 at about 8:00 pm, he went to informant's room and started molesting her with wrong intentions and when informant protested, he separated her from her child and forcibly raped her. The allegations against the accused petitioner are serious in nature. Para 2 of the case diary contains the re-statement of informant-cum-statement U/s. 180 B.N.S.S., in which informant has fully supported the occurrence of rape committed by the accused petitioner. It is a case U/s. 64 of B.N.S., which is punishable with life imprisonment. It is pertinent to mention here that during course of argument Ld. Advocate for the accused petitioner submitted that earlier co-accused have been granted anticipatory bail by this Court vide A.B.P. No. 38/2026 dated 07.02.2026 and A.B.P. No. 100/2026 dated 17.02.2026. However, from perusal of written report of informant, it appears that the allegations leveled against the co-accused are post-incident allegations, involving only verbal abuse and threats, as they were not present at the place of occurrence, as admitted by the informant in her written report. However, the accused petitioner is

**Cont....**

**In the Court of Sri Santosh Kumar Tiwary**  
**Principal District & Sessions Judge, Sheikhpura.**  
**B.P. No:- 276/2026**  
**State of Bihar vs. Abhishek Kumar @ Chhotu Kumar**

**Cont...**

**10.03.2026** the main accused and he was present at the place of occurrence and there is direct allegation of committing rape against him with the informant. Therefore, there is difference between the case of the co-accused and the accused petitioner. From above discussion, it appears that there is direct allegation of rape against the accused petitioner. Further, there is sufficient material against the accused petitioner showing his complicity in the alleged crime. Considering the above facts, circumstances as well as the conduct of the accused petitioner, allegation is serious in nature, gravity of the offence and investigation is still pending, hence at this stage, I am not inclined to enlarge the accused petitioner Abhishek Kumar @ Chhotu Kumar on bail. Consequently, the prayer for bail of accused petitioner Abhishek Kumar @ Chhotu Kumar stands rejected.

Dictated.

Principal District & Sessions Judge  
Sheikhpura.  
10.03.2026

Date of Judgment / order	10.03.2026
Date of Reserving Judgment / order	10.03.2026
Uploading Date	11.03.2026
Uploaded by	Md. Fazal Ahmed