



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. \_\_\_\_\_/2026  
@ SLP (CRL) NO.2916/2026

MUKESH KUMAR . . . . . APPELLANT

VERSUS

STATE OF BIHAR & ANR. . . . . RESPONDENTS

O R D E R

1. Heard.
2. Leave granted.
3. Appellant who has been arraigned as an accused in FIR No.615/2024 registered for the offences punishable under Sections 376 and 420 of the Indian Penal Code, 1860 ("IPC") is seeking for being enlarged on bail.
4. We have heard the arguments of the learned counsel appearing for the appellant, the learned standing counsel appearing for respondent No.1 -

State and the learned counsel appearing for respondent No.2 - complainant.

5. It is the case of the prosecution that complainant's elder sister is married to the brother of the appellant and accused used to visit the house of the complainant quite often and they became friends. It is further alleged that on the pretext of the appellant getting married to the prosecutrix, appellant developed physical relationship with her from the year 2022 and on 26.05.2024, when the complainant / prosecutrix proposed the issue relating to their marriage, the accused assaulted her and as such a complaint came to be lodged on 20.09.2024, i.e., after four months after the alleged incident. Though in the statements recorded under Section 164 of the Criminal Procedure Code, 1973 / Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, the prosecutrix has reiterated her allegations made in the complaint and the medical report annexed at P3 dated 20.02.2024 would

indicate that there is no evidence of sexual assault with the victim. As to whether there was any earlier incidents which had occurred as claimed by the prosecutrix is an issue which will have to be thrashed out after trial namely after the complainant / prosecution would tender their evidence. As such we do not propose to comment upon the said medical report at this juncture as it is likely to prejudice the rights of either of the parties.

6. This Court had granted interim protection in favour of the appellant vide order dated 11.02.2026 and appellant is said to be cooperating with investigation. These factors cumulatively persuade us to grant the relief sought for. Hence, the appeal is allowed, impugned order is set aside and appellant is ordered to be released on anticipatory bail by the jurisdictional Investigating Officer on such terms and conditions as he deems fit including the condition of directing the appellant to

appear before the Investigating Officer as and when called upon and cooperate with the investigation apart from directing the appellant to appear before the trial court on all dates of hearing except when specifically exempted.

7. Pending application(s), if any, shall stand disposed of.

.....J.  
(ARAVIND KUMAR)

.....J.  
(PRASANNA B. VARALE)

NEW DELHI;  
MAY 19, 2026.

ITEM NO.8

COURT NO.14

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.)  
No(s).2916/2026

[Arising out of impugned final judgment and order  
dated 30-04-2025 in CRMIS No.24108/2025 passed by  
the High Court of Judicature at Patna]

MUKESH KUMAR

Petitioner(s)

VERSUS

STATE OF BIHAR & ANR.

Respondent(s)

IA No. 39947/2026 - EXEMPTION FROM FILING C/C OF  
THE IMPUGNED JUDGMENT

IA No. 39943/2026 - EXEMPTION FROM FILING O.T.

Date : 19-05-2026 This matter was called on for  
hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR  
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : Mr. Jitendra Bharti, Adv.  
Mr. Deepak Goel, AOR  
Ms. Nandita Sharma, Adv.  
Ms. Alka Goyal, Adv.  
Mr. Noorul Hasan, Adv.

For Respondent(s) : Mr. Anshul Narayan, Adv.  
Mr. Anshuman Harsh, Adv.  
Mr. Prem Prakash, AOR

Mr. Ram Lal Roy, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

Criminal Appeal is allowed in terms of the signed order placed on the file.

Pending application(s), if any, shall stand disposed of.

(NEHA GUPTA)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)