



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2026
(@ SPECIAL LEAVE PETITION (CRL.) NO(S).19832 OF 2025)

NIKHIL KUMAR @ PARAS

APPELLANT

VERSUS

THE STATE OF BIHAR & ANR.

RESPONDENTS

O R D E R

Leave granted.

This appeal challenges the order dated 13.08.2025 passed by the High Court of Judicature at Patna in Criminal Miscellaneous No. 32680 of 2025.

Apprehending arrest in connection with crime registered pursuant to FIR No. 5109080240353 of 2024 dated 03.06.2024 lodged with P.S. Wajirganj, District Gaya in respect of the offence punishable under Section 366A of the Indian Penal Code, 1860 ("IPC" for short), the appellant preferred an application before the High Court seeking anticipatory bail in terms of Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023("BNSS" for short).

The application for anticipatory bail having

been rejected by the High Court *vide* the impugned order dated 13.08.2025, the instant appeal has been preferred.

By order dated 03.12.2025, this Court passed the following order:

"Delay condoned.

Issue notice to the respondents, returnable on 07.01.2026.

Learned counsel for the petitioner is permitted to serve the standing counsel for respondent no.1/State.

Till the next date of hearing, no coercive steps shall be taken as against the petitioner in relation to FIR No.5109080240353 dated 03.06.2024 registered at Police Station - Wajirganj, District - Gaya provided the petitioner co-operates in the investigation.."

We have heard learned counsel for the appellant in support of the appeal and learned counsel for the respondent(s)-State and perused the material on record.

Learned counsel for the appellant submitted that the offences alleged against him are wholly false inasmuch as there was a consensual relationship between the appellant and the so-called victim who was about 17/18 years of age at the relevant point of time; that in fact there was a marriage between the parties and subsequently owing to a marital dispute a criminal colour has

been given to the entire dispute. He submitted that this Court by interim order dated 03.12.2025 has granted protection to the appellant herein subject to his cooperation in the investigation; that the appellant has been cooperating with the investigation. In the circumstances, the interim order may be made absolute.

Per contra, learned counsel for the respondent(s)-State submitted that the victim at the relevant point of time was a minor; that the allegations as against the appellant herein are serious in nature. Hence, this Court may not interfere with the impugned order and the appeal may simply be dismissed.

Considering the circumstances on record, in our view, the appellant is entitled to the relief claimed under Section 482 of BNSS.

We, therefore, allow this appeal and set aside the order passed by the High Court dated 13.08.2025. We direct that in the event of arrest of the appellant, the Arresting Officer shall release the appellant on bail, subject to furnishing cash security in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) with two like sureties.

It is directed that the appellant shall extend complete cooperation in the ensuing investigation.

The appellant shall not misuse his liberty and shall not in any way influence the witnesses or tamper with the material on record.

With the aforesaid directions, the Criminal Appeal is allowed.

....., J.
(B.V. NAGARATHNA)

....., J.
(UJJAL BHUYAN)

NEW DELHI;
MARCH 25, 2026.

ITEM NO.1

COURT NO.4

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).19832/2025

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED
13-08-2025 IN CRLM NO. 32680/2025 PASSED BY THE HIGH COURT
OF JUDICATURE AT PATNA]

NIKHIL KUMAR @ PARAS

PETITIONER(S)

VERSUS

THE STATE OF BIHAR & ANR.

RESPONDENT(S)

IA NO. 307033/2025 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT

IA NO. 307034/2025 - EXEMPTION FROM FILING O.T.

Date : 25-03-2026 This matter was called on for hearing
today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) : Mr. Raja Choudhary, Adv.
Ms. Anushika Mishra, Adv.
Mr. Rajesh Singh Chauhan, AOR

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

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

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

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

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)