

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37472 of 2017

Arising Out of PS.Case No. -117 Year- 2017 Thana -RUPASPUR District- PATNA

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Sanjay Kumar Pandey Son of Late Aditya Pandey, resident of near Paras Garden, Shanti Vinayak Complex, Police Station- Rajiv Nagar, District- Patna. Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Md. Nazir Ansari

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 08-11-2017 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

Petitioner seeks bail in connection with Rupaspur P.S. Case No. 117 of 2017 for offences punishable under Sections 376, 354, 506 and 420 of the Indian Penal Code and Section 66-E of Information Technology (Amendment) Act.

The prosecution case, as lodged by the informant, is that she is a final year student in Sagar Institute of Science and Technology, Bhopal and got information from a friend that the petitioner would secure job in railways and gave her his number. The informant talked to the petitioner on phone and was called in his office who thereafter committed rape and took a video of the occurrence and also offered her to many of his friends who



successively committed rape on her and the petitioner also threatened her that if she reports the incident the video would go viral.

It has been submitted by the learned counsel for the petitioner that he is innocent and has not committed any offence. He submits that the victim is a major and it was a consented relationship hence Section 376 of the Indian Penal Code is not applicable. It is further submitted that no fraud has been committed and even Section 420 of the Indian Penal Code is not applicable. He submits that one of the witness Akansha Kumari, whose registered document was found with her signature has stated that she voluntarily wants to serve the petitioner. He submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since 02.05.2017.

However, learned counsel for the informant and the learned APP for the State vehemently oppose the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case is pending against him. He submits that the petitioner has made physical relation with her and also by his friends and has taken the signature on bond paper by force that she will serve him for life.



Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Rupaspur P.S. Case No.117 of 2017, pending in the court of learned Additional Chief Judicial Magistrate, IInd Danapur, Patna.

The application is, accordingly, rejected.

(Nilu Agrawal, J)

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