

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.27657 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- MAHILA P.S. District- Bhojpur

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Rahul @ Rukhshar, aged about 23 years, male, Son of Nisar Mia @ Nesar Ahmad, Resident of Mohalla- Mahadeva, P.S.- Ara Town, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad, Adv.

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 17-08-2019 The petitioner seeks bail in connection with Ara Mahila P.S. Case No. 2 of 2019, dated 02.01.2019, instituted for the offences under Sections 376 and 34 of the Indian Penal Code and Section 67 of the Information Technology Act, 2000.

The victim girl has alleged that she was subjected to rape by one Shibu Rahman and when a video of the act was made with the aid of the petitioner who is a friend of aforesaid Shibu Rahman, the same was made viral and



clippings were received by a relative of the victim girl also.

During the course of investigation, it came to light that the video was made by the petitioner. When the police reached the house of the petitioner on his name being taken by the victim girl/informant, the house was found empty and locked. Thereafter, warrant of arrest was issued and a copy of same was posted on the front wall of the house of the petitioner.

The disappearance of the petitioner from his house after his being named in the F.I.R. is a suspicious circumstance, especially in the background of the victim girl having named him. Similar such knowledge about the petitioner having made the video has been disclosed by two of the witnesses, viz., Rajeev Kumar and Amit Pandey, whose statements have been recorded in paragraph 94 and 95 of the case diary.

Mr. Chandra Sen Prasad Singh, learned Advocate for the petitioner submits that so far as the offence of rape is concerned, it is exclusively alleged against co-accused/Shibu Rahman and not against the petitioner. In



that view of the matter, the only offence which would get attracted against the petitioner would be Section 67 of the I.T. Act, which entails a maximum punishment of three years. In the aforesaid background, since the petitioner has remained in jail since 31.02.2019 and does not have any criminal antecedents, he be released on bail.

The arguments advanced on behalf of the petitioner, on face of it, appears to be very attractive in as much as the technicalities are concerned. However, to this Court, no reason appears for the informant to falsely implicate a friend of Shibu Rahman against whom she had her angst for him having violated her physically.

The fact that the petitioner was named by the victim girl in the First Information Report and the immediate disappearance of the petitioner from his house, makes the accusation against him worth taking into consideration. The conduct of the petitioner has remained suspicious.

Regard being had to the aforesaid facts, especially that the video of the physical intimacy was made, which was used as a tool for blackmailing the victim girl, I am not



inclined to grant bail to the petitioner for the present.

The petition is accordingly dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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