

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47744 of 2019

Arising Out of PS. Case No.-479 Year-2018 Thana- PARBATTa District- Khagaria

Jaivendra Sah aged about 22 years, Male, Son of Sri Surendra Sah Resident of
Village - Nauranga, P.S.- Parbatta, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravi Shankar
For the Opposite Party/s : Mr. Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 25-09-2019 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

The petitioner who is in custody since 01.04.2019 has
filed the instant application for grant of bail in connection with
Parbatta P.S. Case No. 479 of 2018 (District-Khagaria)
registered for the offence punishable under sections 341,323,376
and 34 of the Indian Penal Code and section 6 of the POSCO
Act.

As per the allegation in the FIR, on pretext of
playing ludo, the friend of the 14 year old complainant is said to
have taken to the place where she was raped by this petitioner.
It is further alleged that he took indecent photographs of the
complainant and blackmailed her, threatening that he would
make the photographs viral.

It is submitted by learned counsel for the petitioner
that the allegations levelled by the complainant leading to the
registration of F.I.R. are false and concocted. There is no



justifiable explanation for the delay in lodging of the case as the occurrence took place on 20.5.2018 whereas the complaint was lodged only on 26.10.2018 and the F.I.R. was registered on 20.12.2018. It is further submitted that the age of the victim has been estimated by the Medical Board to be between 16-18 years and that the petitioner is in custody since 01.04.2019.

It is submitted by learned counsel for the informant that the complainant is a 16 years old minor who was not only raped by this petitioner but the petitioner continued to threaten her of circulating the indecent photographs/pictures that he had taken and as such the delay in lodging of the F.I.R.

The application for bail was opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the age of victim/informant and her supporting the allegations against the petitioner in her statement under Section 164 Cr.P.C, this Court is not inclined to grant bail to the petitioner and as such the petitioner's application for bail is rejected.

(Partha Sarthy, J)

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