

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2401 of 2021

Arising Out of PS. Case No.-118 Year-2020 Thana- KHAGAUL District- Patna

AKHILESH KUMAR Son of Ramashankar Kushwaha @ Ram Shankar
Resident of Village - Prahladpur, P.O. - Chabariya, P.S.- Danapur, Distt.-
Chandauli (U.P), Presently residing at Keshavnagar, House No.212/27/1690,
Street No.1, Lohra, P.S.- Keshavnagar, Distt.- Ludhiyana (State Punjab)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj, Adv.

For the Opposite Party/s : Mr.Sanjiv Sharan, Adv.

Mr.Sanjay Kr. Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-04-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State through virtual
court proceeding.

The petitioner seeks bail in connection with Khagaul P.S.
Case No.118 of 2020, corresponding to G.R. No.2097/2020
registered for the offence punishable under Sections 367/377 of
IPC and sections 66/67 of I T (amendment) Act.

As per allegation alleged in the F.I.R., the petitioner after
alluring the informant took her in a Hotel and after intoxicating
made physical relation with her and made video of such illegal
act without informing her and uploaded the video film on social
sites. It is further alleged that when the informant further



refused to make physical relation with him, he hacked the informant's face book I.D. and uploaded the video.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. As per the FIR, the informant is a major and having love affair with the petitioner but the petitioner refused to continue love affair or marry her. Petitioner is 50% handicapped person and the informant was major during the whole occurrence. The FIR was instituted for the occurrence of more than 7 month ago, only when their relationship was made known anyhow to the informant's relatives. The petitioner has no criminal antecedent and has been languishing in custody since 17.07.2020.

Learned APP for the State opposed the prayer for bail.

Learned counsel for the informant opposed the prayer for bail and submitted that on perusal of the case diary, it appears that the victim in her statement recorded u/s 164 CrPC has fully supported the prosecution case.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner on bail.

Accordingly, the prayer for bail of the petitioner is hereby rejected.



However, the petitioner may renew his prayer for bail
after framing of the charges.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

