

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4670 of 2022

Arising Out of PS. Case No.-171 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

SONU KUMAR JHA, Son of Kamalkant Jha, Resident of Village - Jaydev
Patti, P.s.- Ghanshyampur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Ghanshyampur P.S. Case No. 171 of 2021
registered for the alleged offences under Section 376 of the
Indian Penal Code and Section 67(D) of the I.T. Act and the Ld.
Court has taken cognizance under Section 376 of the Indian
Penal Code, under Sections 4/6 of the POCSO Act and under
Section 66(E) of the I.T. Act.

As per prosecution case, the petitioner took some
obscene photographs of the informant when she was minor and
threatening her with exposure of the photographs, the petitioner

started committing rape with the informant. The petitioner has been pressurizing the informant to solemnize marriage with him though he was already married with two children. The parents of the informant tried to reason with the petitioner but he did not pay any heed to their requests and whenever he found opportunities, he committed rape with the informant.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. From the F.I.R. it also appears that the informant did not make any alarm when photographs were taken by the petitioner. There is no time or date when the alleged occurrence took place. The age of the petitioner was assessed to be 19-20 years and no injuries were found on her body. Learned counsel further submits that the petitioner has been falsely implicated as informant has taken money from him and when the demand for the payment was made, this false case has been lodged. Charge sheet has been submitted in this case and the petitioner is in custody since 18.07.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the statement of the victim girl was recorded under Section 164 Cr.P.C and she has fully supported her allegation made in the F.I.R. She has also stated

before the learned Judicial Magistrate that this petitioner created a fake account in the name of the informant on facebook and used to put her obscene photographs on it. Moreover, there is specific allegation of committing rape against this petitioner.

Perused the records.

Having regard to the facts and circumstances and considering the nature of allegation against this petitioner which is quite grave and serious, I am not inclined to enlarge the petitioner on bail and hence, his prayer for grant of bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

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