

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26286 of 2021

Arising Out of PS. Case No.-128 Year-2020 Thana- IMAMGANJ District- Gaya

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Ramashish Kumar Son Of Sitaram Saw Resident Of Village- Raniganj
Gareria, P.S.- Imamganj, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Prakash, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP
For the Informant	:	Mr. Ujjawal Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 20-01-2022 The applicant/accused in Crime No.128 of 2020 registered with Imamganj Police Station for the offences punishable under Section 376D of the Indian Penal Code as well as Sections 66E/67 of the I.T. Act, by this application is seeking his release on bail during course of the trial.

Heard the learned counsel appearing for the applicant/accused. By taking me through the FIR it is argued that the same is lodged belatedly and there is loss of spontaneity as well as chances of embarrassment to the applicant. It is further argued that the applicant is implicated in the crime in question on the basis of hearsay statement of the victim.

As against this, relying on the counter affidavit of the Investigating Officer, the learned Additional Public



Prosecutor submits that there are photographs collected during the investigation showing the applicant in the act of commission of rape on the victim.

I have considered the submissions so advanced and also perused the materials placed before me.

The FIR of the subject crime is lodged by the prosecutrix on 16.07.2020. She reported that she is constrained to lodge the report because the applicant and the co-accused had made viral the video-clip of commission of rape on her which has resulted in cancellation of her marriage fixed earlier. She reported that one of the accused had telephonically contacted her father and showed the video-clips recorded in the cellphone to her father. As per version of the prosecutrix, on 23.07.2018 when she had gone out of her house for easing, the applicant and two others caught hold her and took her forcefully to the secluded house under construction belonging to one Tara Singh. There she was denuded, she was subjected to the gang rape on the point of revolver and the entire act was videographed by the accused persons. Thereafter, she was threatened not to disclose the incident to anyone, on failure the photographs shall be made viral. Ultimately, those photographs were made viral resulting



in breaking of marriage of the prosecutrix and giving her cause to lodge the FIR.

The counter affidavit filed by the Investigating Officer shows voluminous evidence against the applicant apart from the version of the prosecutrix. At this stage, no one has to consider the reason for delay for lodging the FIR which is explicit in the FIR. Evidence collected during investigation shows that there is photographs of the applicant in commission of the Act with the prosecutrix. Similar evidence is available against other accused persons who are reported to be absconding.

Considering the nature of evidence against the applicant as well as nature of the crime in question, **no case for grant of bail to the applicant/accused is made out.** The application is rejected.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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