

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34369 of 2021

Arising Out of PS. Case No.-408 Year-2020 Thana- BARH District- Patna

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Laxman Kumar @ Pratap Yadav S/O Binod Rai R/O- Shekhopur, P.S.- Barh,
District- Patna

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Shankar Sinha
For the Opposite Party/s : Mr. Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 03-01-2022 Heard the learned Advocate for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Special
Case No.198 of 2020 arising out of Barh P. S. Case No.408 of
2020, instituted for the offences under Sections 376, 354(c),
354(O), 504, 506, 34 of the Indian Penal Code and Section 4/6
of the POCSO Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 15.11.2020 and charge-sheet has
been submitted in this case.

The learned counsel for the petitioner further submits
that the informant alleges that her daughter informed her that
she was having friendship with petitioner and petitioner
captured some objectionable picture of the victim and



established physical relationship on pretext of marriage and threatened not to disclose or will viral the objectionable video.

In this case, by order dated 08.12.2021, case diary along with the statement under Section 164 of the Cr.P.C. of the victim was called for, the statement of the victim recorded under Section 164 of the Cr.P.C. has been received in a sealed envelope and from perusal of the same, it manifests that the victim has stated that she had gone to a hotel room with this petitioner where this petitioner had made a video and blackmailed her saying if she will not talk, he will make the video viral.

From perusal of the statement of the victim under Section 164 of the Cr.P.C., it appears that the victim has not even remotely whispered that the petitioner even tried to touch her.

The learned counsel for the petitioner submits that admittedly, there was a love affair between the petitioner and the victim and the parents were aware and when they came to know, the present false case has been instituted. It is also submitted that during the course of investigation, no video was seized nor during course of investigation, it has come any video of the victim was made viral.



Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody since 15.11.2020, charge-sheet has been submitted in this case and the doctor in the medical report have assessed the age of the victim about 18 years with no sign of recent sexual intercourse and have opined that rape could not be ascertained, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO) Act, Patna in connection with Special Case No.198 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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