

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63888 of 2021**

Arising Out of PS. Case No.-114 Year-2021 Thana- BATHNAHA District- Sitamarhi

MISTER @ MD. MAHFUZ S/o Md. Sakil R/o Village- Mehsaul, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dinesh Jha, Advocate
For the Informant	:	Mr. Pushpendra Kumar Singh, Advocate
For the State	:	Mr. Mithlesh Kumar Khare, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 31-03-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

The petitioner seeks bail in a case registered for the offences punishable under Sections 376, 354(B), 420, 504, 506/34 of the Indian Penal Code read with Section 67 of the I.T. Act.

Learned counsel for the petitioner submits that the petitioner is in custody since 08.07.2021, is a person with clean antecedent and charge-sheet has been submitted.

The informant in the FIR alleges that she was married to Jitesh Kumar in 2014 and has two children from the wedlock. Further, the husband of the informant works as a tailor and Gautam Kumar also works with the husband of the informant. Further, Gautam Kumar met the informant through the husband of



the informant and later tried to develop intimacy with children and the informant. Further, on 08.08.2020, Gautam Kumar came to the parental home of the informant and stayed in the night due to incessant rain where informant was also staying. Further, in the night, Gautam Kumar on point of threat kissed and raped the informant and made a video, thereafter, Gautam Kumar started blackmailing the informant and also exploited sexually. Further, informant informed her family members about misdeeds of Gautam Kumar on which he promised not to have any contact with the informant and also assured that all the videos have been deleted. Further, Gautam Kumar started sending videos on the mobile of the husband of the informant in which the petitioner and co-accused Mohan were helping Gautam Kumar. Further, it is alleged that Gautam Kumar threatened the informant to deface her by acid attack.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the informant alleges that Gautam Kumar was helped in his misdeeds by this petitioner and Mohan and the informant has also disclosed the mobile number of the petitioner 9142600954. Learned counsel for the petitioner submits that the mobile number which has been furnished in the FIR does not belong to the petitioner. The mobile number of the petitioner is



9798457295. It is further submitted that from perusal of the allegation also it is not clear that what kind of help was rendered by this petitioner to Gautam Kumar in making the video and the photographs viral.

Learned counsel for the informant and learned A.P.P. for the State opposed the bail application but are not able to meet the submissions of the learned counsel for the petitioner with regard to the mobile number and the kind of help rendered by this petitioner to the co-accused Gautam Kumar.

Considering the fact that the petitioner is in custody since 08.07.201, is a person with clean antecedent and charge-sheet has been submitted and taking into consideration the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bathnaha P.S. Case No. 114 of 2021.

(Satyavrat Verma, J)

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