

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64527 of 2021

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

GAUTAM KUMAR Son of Rajesh Das Resident of Village - Bhup Bhairo,
Kanta Chowk, P.S. - Sitamarhi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar, A.P.P.
For the Informant	:	Mr. Pushpendra Kumar Singh, Advocate
For the State	:	Mr. Nagendra Prasad, Advocate

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 14.06.2021, 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 the



petitioner also works with her husband. Further, the petitioner 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, the petitioner came to the parental home of the informant and stayed in the night due to incessant rain where the informant was also staying. Further, in the night, the petitioner on point of threat kissed and raped the informant and made a video, thereafter, petitioner started blackmailing the informant and also exploited sexually. Further, informant informed her family members about misdeeds of the petitioner on which he promised not to have any contact with the informant and also assured that all the videos have been deleted. Further, the petitioner started sending videos on the mobile of the husband in which Mister @ Md. Mahfuz, whose mobile number is 9142600954, and co-accused Mohan were helping the petitioner. Further, it is alleged that the petitioner threatened the informant to deface her by acid attack.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the petitioner and the informant were known to each other and the petitioner came in contact



with the informant through her husband only. It is further submitted that the petitioner and the informant developed intimacy for each other and used to meet secretly. Learned counsel further submits that it absolutely does not stand to reason that how the petitioner was permitted to stay in the parental home of the informant when the informant was present there from before. This itself shows that it was with the consent of the informant that the petitioner was permitted by her parent to stay at her parental home. Learned counsel further submits that it appears that when the relationship soured, the present FIR came to be instituted with the aforesaid allegation.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioner. Learned counsel for the informant submits that the photographs in her possession show that the petitioner by sending the same on the mobile of the husband of the informant has created a rift between the two and her entire married life jeopardized. Learned counsel further submits that even presuming what has been submitted by the learned counsel for the petitioner to be true then also the misdeeds committed by the petitioner, with whom the informant had reposed her trust, does not entitle him for grant of bail.



Considering the submissions made by the learned counsel for the informant, the Court for the present is not inclined to grant bail to the petitioner in connection with Bathanaha P.S. Case No. 114 of 2021 pending in the Court of learned Chief Judicial Magistrate, Sitamarhi.

Accordingly, the prayer for bail is refused.

(Satyavrat Verma, J)

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