

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.65185 of 2021

Arising Out of PS. Case No.-90 Year-2020 Thana- GADHPURA District- Begusarai

SANTOSH DAS @ SANTOSH KUMAR S/o Hari Narayan Das R/o Village-
Ranichak, P.S.- Garhpura, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 22-03-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Gadhpura Police Station Case No. 90 of 2020, registered for the
offences punishable under Sections 376/384/504/506/509/34 of
the Indian Penal Code.

The allegation against the petitioner, as per the First
Information Report, is that he committed rape upon the
informant while she was alone at her home along with her
children and her husband had gone to Punjab for earning his
livelihood.

Learned Counsel for the petitioner submits that the



present First Information Report has been lodged by the informant after a lapse of six months of the alleged occurrence and the informant is in the habit of lodging First Information Report of this nature inasmuch as earlier also, she had lodged Gadhpura Police Station Case No. 105 of 2018 against one Ramesh Das for the offences punishable under Sections 457/376/511 of the Indian Penal Code. He further submits that the informant was not medically examined and except her statements, made in the First Information Report as well as recorded under Section 164 of the Code of Criminal Procedure, 1973, no material is there against the petitioner. He, however, submits that the petitioner was having consensual physical relationship with the informant.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statements of the informant, made in the First Information Report as well as recorded under Section 164 of the Code of Criminal Procedure, 1973, it appears that the informant was being sexually exploited by the petitioner and others and objectionable video was also made by the petitioner and others and she was being physically exploited on the basis of the said video, I am not inclined to grant regular bail to the petitioner.



This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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