

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7127 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- DANAPUR District- Patna

MANTOSH KUMAR Son of Chandra Bhusan Sharma @ Bhusan Sharma
R/V- Bherharia P.S- Paliganj, Dist- patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The instant application for regular bail has been filed by the petitioner in a case instituted for the offence punishable under Sections 376(D), 504, 506/34 of the Indian Penal Code, Section 4 of the POCSO Act and Section 67, 67-A of the I.T. Act.

As per allegation in the FIR, informant in 16 years old and she had developed friendship with the petitioner via Facebook. He went with the victim/informant to his friend's house where, petitioner and his friend Suraj Kumar committed rape and make a video of the occurrence. Again petitioner took her to house of Pawan Tiwari, where also he and his friend committed rape and make a video of the occurrence. It is further



alleged that petitioner threatened her not to disclose the matter to any one otherwise he will viral the video on social media and after some days, petitioner has made the video viral on facebook account of the informant and her brother.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. In fact, informant was in love with the petitioner and petitioner has married with the informant at Vishnu Pad Mandir, Gaya, but due to fear of her father, she is not accepting. Medical report is not supporting the prosecution story as doctor has also not confirmed the rape upon the victim. Petitioner has got no criminal antecedent and he is languishing in judicial custody since 28.02.2022.

Learned APP appearing for the State and learned counsel appearing for the informant have opposed the prayer of bail and submitted that statement of the victim girl was recorded under Section 164 Cr.P.C., wherein she has made direct allegation of rape against the petitioner and co-accused Pawan Tiwari. .

Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the informant, I am



not inclined to grant bail to the petitioner and, as such, his application for bail stands rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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