

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43614 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- BAKHTIYARPUR District- Patna

NILESH KUMAR S/O SALIGRAM SAW R/O VILLAGE- SIMRI, PS.
BAKHTIYARPUR, DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in connection with Bakhtiyarpur P.S. Case No. 104 of 2022 registered for the offences punishable under Section 376 of the Indian Penal Code.

3. Allegedly, petitioner is said to have committed rape of the informant and made her obscene video on gun point and used to blackmail her to make her video viral.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. Both the parties are co-villagers. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner



is totally false and based on concocted facts. The statement of the victim has been recorded under Section 164 Cr.P.C. in which she has not stated anything about the sexual assault. It is further submitted that there is extramarital affair between the parties which is also evident from the letter given by the informant to the petitioner, as mentioned in Annexure 2. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail and submits that there is specific allegation against the petitioner of committing rape of the informant and she has supported the prosecution case in her statement recorded under Section 164 Cr.P.C., hence he does not deserve anticipatory bail.

6. Having regard to the facts and circumstances of the case, as there is specific allegation against the petitioner, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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