

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54031 of 2023

Arising Out of PS. Case No.-363 Year-2023 Thana- KANTI District- Muzaffarpur

SURENDRA KUMAR SON OF VISHAWANATH RAM @ VISHWANATH
BHAGAT RESIDENT OF VILLAGE -PAHAR PUR, PS- SHYAMPUR
BHATHA, DIST- SHEOHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

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

The petitioner seeks bail in connection with Kanti
P.S. Case No. 363 of 2023 dated 19.05.2023 registered for the
offence under Sections 376 of the Indian Penal Code and
Section 67(A) of the I.T. Act.

The petitioner is alleged to have established
physical relation with the daughter of the informant and
captured some photos and videos of her and made it viral on
the social media.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He



further submits that as per the allegation as alleged in the F.I.R. the petitioner who is relative of the informant used to come to the house of the informant and established physical relationship with her daughter and uploaded her photos and videos on social media after the marriage of the victim. He further submits that the marriage of the victim has been solemnized prior to institution of the F.I.R. which is instituted on 19.05.2023. He further submits that there was no occasion to perform such act which is narrated in the F.I.R. He further submits that no case is made out against the petitioner with respect to the allegation levelled in the F.I.R. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.05.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim has been recorded under Section 164 Cr.P.C. in which she has categorically stated that video which is made viral on the social media was before the marriage and she has stated the petitioner has established physical relation with her on the pretext that the petitioner



would marry with her and soon after the marriage of victim to another person, the petitioner has made the video viral on social media. He further submits that it has come during the investigation that number of persons who are close relative of the informant have received the video.

Considering the facts and circumstances of the case and the rival submission of the parties and the obscene act of the petitioner, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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