

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51727 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- MAHILA P.S. District- Muzaffarpur

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Sujeet Kumar Patel S/o Chhote Lal Rai Resident of village- Dihuli Ishak,
P.S.- Sakra, District- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Hans Lal Kumar, Adv.
For the Opposite Party/s :		Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Krishna Prasad Singh, learned senior counsel appearing on behalf of the petitioner duly assisted by Mr. Hans Lal Kumar, learned counsel and Mr. Shyam Kumar Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Mahila P.S. Case No. 24 of 2022 registered for the offences punishable under Sections 448, 506, 503, 499 and 376 of the Indian Penal Code and Section 67(A) of the Information Technology Act.

The prosecution case is based on a written report



filed by the informant alleging therein that his co-villager Sujeet Kumar Patel (petitioner) was earlier imparting tuition to his daughter and, in course of tuition, the petitioner by alluring and threatening his daughter, who was minor at that point of time, committed rape upon her and also got prepared some video clips and took obscene photographs. It is further alleged that on the basis of video clips and photographs, the victim was always subjected to physical relation by the petitioner. In the meantime, the marriage of his daughter was solemnized but, thereafter, again the petitioner started calling his daughter and pressurized her to make sexual relationship and, when his daughter refused, the petitioner made viral the obscene photographs of his daughter and sent the same to the mobile of his son-in-law and other family members. It is also alleged that this petitioner threatened the husband of the victim and his family members with dire consequences.

Learned senior counsel appearing on behalf of the petitioner submits that admittedly since 2015, the petitioner being tuition teacher used to come at the house of the informant but there had never been any complaint, however, even as per the allegation, the informant came to learn about the incidence in the year 2021, but the present FIR has been lodged on



18.04.2022 and, as such, false implication of the petitioner cannot be ruled out. He further submits that, in fact, no such occurrence has taken place but only on account of some money dispute, this false FIR has been registered and further there is no medical report in support of the allegation and, moreover, the petitioner having fair antecedent is in custody since 19.04.2022.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the statement of the victim was recorded under Section 164 Cr.PC., and bare reading thereof, it appears that she was subjected to blackmailing on the basis of obscene video clipping(s) and photograph(s) and this petitioner by pressurizing the victim had established physical relationship and, in fact, committed rape upon her while she was minor. Other materials has also come during the course of investigation, apart from the photograph(s), which has been made viral and the statement of other family members.

Regard being had to the submissions made on behalf of the parties and considering the specific nature of accusation and the complicity of the petitioner in a sordid act of committing rape upon a minor school girl and thereafter he continued his misdeed even after her marriage by tarnishing the



image of the victim and, as such, this Court is not persuaded to enlarge the petitioner on bail, for the present. Accordingly, the prayer for bail is rejected.

At this juncture, it is submitted that even the case has not been committed as of now and there is no likelihood of the commencement of the trial in near future.

In view thereof, the petitioner shall be at liberty to renew his prayer for bail after framing of charge.

(Harish Kumar, J)

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