

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57436 of 2023**

Arising Out of PS. Case No.-743 Year-2022 Thana- BODHGAYA District- Gaya

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Gautam Kumar S/O- Mahesh Paswan R/O- Village- Chainpura,  
Panchananpur, P.S.- Tekari, Dist.- Gaya.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Shailendra Kumar

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**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      01-09-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 376, 354©, 354(D) of the Indian Penal Code and Sections 67, 67A of the I.T. Act.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant on the pretext of making her obscene video viral.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of FIR, it seems the victim is major and there is consensual relation between the informant and the petitioner. It is also submitted



vide para-9 of the petition that the informant and her mother have been examined during trial but they did not support the prosecution and turned hostile. The petitioner has got no criminal antecedent as stated in para-3 of the bail petition. Moreover, he is languishing in judicial custody since 11.11.2022.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bodh Gaya P.S. Case No. 743 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Gaya.

**(Sunil Kumar Panwar, J)**

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