

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69129 of 2023

Arising Out of PS. Case No.-229 Year-2023 Thana- SAKRA District- Muzaffarpur

GAURAV KUMAR @ GOLU Son of Arvind Thakur R/o vill - Basantpur
Jhitkanhi, P.S. - Sakra, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Mahendra Thakur, Advocate
For the Opposite Party/s :		Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-10-2023 Heard Mr. N.K. Agrawal, learned Senior Counsel for

the petitioner duly assisted by Mr. Mahendra Thakur as also Mr.

Jitendra Kumar Singh, learned APP for the State.

The petitioners is an accused in connection with
Sakra P.S. Case No. 229 of 2023 registered for the offences
under sections 341, 354, 354(B), 376, 506 and 504 of the Indian
Penal Code and section 67(A)(1) of the I.T. Act lodged on
17.05.2023 by the informant, Bindeshwar Singh.

As per the prosecution story, the allegation is that the
informant's daughter use to take tuition from the petitioner
where he established physical relationship on threat and later
when the informant solemnized the marriage of his daughter to
another person, the video was made viral lowering the image of



the family before the society. Accordingly, the FIR.

Learned Senior Counsel submits that a bare perusal of the learned Session Judge order would show that the girl has narrated the facts which include that she was married to an elderly person, she went along with the petitioner to Delhi in 2017 itself, had physical relationship. He as such submits that only to implicate him, the theory of video has been incorporated in the FIR.

It is his further submission that the bonafide of the petitioner can be seen from the fact that the day the FIR was lodged i.e. 17.05.2023, he himself went to the Police Station and was arrested. Further, he do not have criminal antecedent, there is no video available and/or the same has come to the knowledge of the police, as per the information of the petitioner.

The last submission is that he will be diligently appearing in the trial and will have no truck with the victim and/or her family members.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that allegation is of establishing physical relationship and making the video viral once the relationship came to an end.

Taking into account the submissions put forward by



the parties as also that though allegation of making the video viral is there, no such video is available with the police, as per the victim, they had physical relationship since 2017, he has remained in custody since 17.05.2023 (as stated in paragraph 21 of the bail application), he himself went to the Police Station, FIR lodged, ultimately he will be facing the trial, this Court is inclined to extend him privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M.-12th (East), Muzaffarpur in connection with Sakra P.S. Case No. 229 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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