

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8876 of 2024

Arising Out of PS. Case No.-4 Year-2023 Thana- MAHKAR District- Gaya

=====

Lukesh Kumar @ Lokesh Kumar, aged about 40 years, (Male) S/o Vishwanant
Sao @ Vishwanath Prasad, R/o Vill - Kurwa, P.S. - Mahkar, Dist. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Rita Verma, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 01-03-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State and the
learned counsel for the Informant submitted the photocopy of
the case during course of argument.

2. Petitioner is in custody in connection with Mahkar
P.S. Case No.04 of 2023 registered for an offence punishable
under Sections 376 and 509(B) of the Indian Penal Code and
Sections 66(c) and 67(a) of the I.T. Act.

3. As per allegation in the FIR, the petitioner recorded
a video of the informant while making physical relation with her
fraudulently and on the basis of the said video, the petitioner
was threatening to make physical relation with him again,
otherwise the intimate video will be made viral.



4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence. He next submits that no independent witness has supported the prosecution case. Petitioner has got clean antecedent as stated in para-3 of the petition and he is in custody since 18.08.2023.

5. Learned APP for the State as well as the learned counsel for the Informant opposes the prayer for bail of the petitioner.

6. From perusal of the first information report and impugned order dated 15.12.2023 passed by learned Additional Sessions Judge-V, Gaya, it appears that the mobile number 9939035752 with alternate number 8287865389 in question does not belong to the petitioner and it belongs to one named person Ajit Kumar, son of Vijay Manjhi, resident of Fazilpur Dholabigha, P.S. Hulasganj, District- Jehanabad and petitioner is in custody since 18.08.2023, considering all these circumstances, I am inclined to grant bail to the petitioner. Let the above named petitioner be released on bail ***after framing of the charge*** on furnishing bail bond of Rs.20,000/- (Rs. Twenty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-I, Gaya/concerned Court in



connection with Mahkar P.S. Case No. 04 of 2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that *if the charge-sheet has not been submitted* then the above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the entire trial proceeding.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

U		T	
---	--	---	--

