

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8642 of 2024

Arising Out of PS. Case No.-36 Year-2023 Thana- SC/ST District- Patna

Hira Jaideo @ Sunny Kumar S/o Naresh Sahni R/o Vill - Behrawanchak, P.O.
- Sorampur, P.S. - Pipra, Dist. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kumar Kaushlendra, Advocate
For the Opposite Party/s	:	Mr.Binay Krishna, APP
For the Informant	:	Mr. Munna Kumar, Advocate

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

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioner, learned counsel
for the informant 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, 504 and 506 of the Indian Penal Code, Section 66(E)/67(A) of I.T. Act, Sections 3(1)(r)(s)(w)(i)(ii)/3(2)(va) of Prevention of Schedule Castes and Schedule Tribe Atrocities Act and Section 4/6 of the POCSO Act.

3. As per F.I.R., the allegation against the petitioner is that he committed rape on the person of informant/victim and after disrobing taken her nude photos and made videos and viral the same.

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 due to dirty village politics. The F.I.R. has been lodged after the delay of two months from the date of occurrence without explaining any reason of delay. The petitioner has got no criminal antecedent and he is languishing in judicial custody since 11.07.2023.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for bail.

6. From perusal of the F.I.R., impugned order dated 01.11.2023, case diary along with statement of the victim recorded u/s 164 of Cr.P.C., it appears that on the basis of written report of informant-cum-victim, F.I.R. registered against the petitioner in which she has made direct and specific allegation against the petitioner that he committed rape on her, taken her nude photos and made viral the same. The victim has also supported the case of prosecution in her statement recorded u/s 164 of Cr.P.C. During investigation, other witnesses of this case have also supported the version of F.I.R. The victim is a minor girl. On perusal of the case diary, it also appears that investigation is already concluded and charge-sheet has been submitted against the petitioner for the offence under Sections 376, 504 and 506 of the I.P.C., Section 66(E)/67(A)/ of I.T. Act and Section 4/6 of the POCSO Act and also for the offence under Sections 3(1)(r)(s)(w)(i)(ii)/3(2)(va) of



SC/ST Act.

7. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and serious nature of offence, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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