

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14229 of 2024

Arising Out of PS. Case No.-20 Year-2023 Thana- Cyber P.S. District- West Champaran

Kishmat Kushwaha Son of Amirlal Kushwaha R/o vill - Majhariya Gobariya
PS Piprasi District West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bimlesh Kumar Pandey, Adv.
For the informant	:	Mr. Ashok Kumar Gupta, Adv.
		Mr. Krishna Kant Pandey, Adv.
For the Opposite Party/s :		Mr.Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 22-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Bagaha Cyber P.S. Case No. 20 of 2023 dated 26.09.2023 registered for the offences punishable u/ss 341, 342, 385, 323, 506, 376D, 354C, 354D, 313, 315 read with Section 34 of the Indian Penal Code, u/ss 4 and 6 of the POCSO Act and u/ss 67, 67A, 67B of the Information Technology Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have secretly shot the obscene photographs of the informant and started blackmailing her. On



23.09.2023, the petitioner and the co-accused persons committed rape on the informant by tying her hands and legs. The accused persons threatened to kill her if she would disclose the incident to anyone. It is further alleged that they made her photographs viral from the mobile number of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has been made accused in this case because he is the relative of the co-accused, Mukesh Kushwaha and Shree Ram Kushwaha. As per the medical report of the victim, there is no recent sign of sexual assault on the body of the victim. Learned counsel has further submitted that the victim is a major girl. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 10.11.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the victim is a minor girl. Learned counsel has further submitted that the victim in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case.



6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bettiah, West Champaran in connection with Bagaha Cyber P.S. Case No. 20 of 2023 with the condition/s:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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