

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15385 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- BALRAMPUR District- Katihar

Junoon Mishri @ Md. Junoon Mishri S/O- Md. Faiyaz R/O- Village-
Mukhiya Tola Mallikpur, P.S.- Balrampur, Dist.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Vaishnavi Singh, Adv.
For the informant	:	Mr. Bimal Kumar, Adv.
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 07-05-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Balrampur P.S. Case No. 80 of 2023 dated 10.06.2023 registered for the offences punishable u/s 376, 504, 506 read with Section 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act (POCSO Act).

3. As per the prosecution case, the petitioner is alleged to have committed rape on the informant after making her obscene photographs and videos. The petitioner also threatened the informant that if the said fact was disclosed to anyone then all the videos would go viral which would bring shame to the



victim and her family. Hence, due to this fear she did not disclose it to anyone. After getting the said offence, the informant's father went to the house of the accused person where they abused him and also threatened that if he raised this issue then his family members would be killed.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The victim disclosed about the occurrence to her father on 03.06.2023 but the F.I.R. was lodged on 10.06.2023 without any explanation. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 11.06.2023.

5. Learned A.P.P. for the State as well as learned counsel for the informant have opposed the bail petition of the petitioner and submitted that the allegation against the petitioner is heinous and serious in nature. The victim is a minor girl and also supported the prosecution case in her statement recorded under Sections 161 and 164 of the Cr.P.C. It is further submitted that the petitioner committed rape on the informant by blackmailing her showing such obscene videos. As per medical report, the victim has been undergone sexual intercourse.

6. Considering the aforesaid facts and circumstances of



the case as well as the heinous and serious nature of allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

7. Learned trial court is directed to expedite the trial and conclude the same at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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