

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19913 of 2024

Arising Out of PS. Case No.-45 Year-2023 Thana- RATANPUR District- Supaul

Vijay Kumar Mehta @ Rajesh Kumar Mehta @ Vijay Kumar, age about 29 years, Male, Son of Binod Prasad, Resident of Village- Narpatpatti, Ward No. 04, P.S.- Ratanpura, Dist- Supaul.

... .. Petitioner

Versus

1. The State of Bihar.
2. Shri Ghanshyam Yadav, Male, R/O Satanpatti, Ward No. 07, P.S. Ratanpura, District-Supaul.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Arvind Kumar, Advocate
For the Opposite Party : Mr. Aditya Narayan Singh-1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 23-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with POCSO Case No. 118 of 2023, arising out of Ratanpura P.S. Case No. 45 of 2023 dated 14.08.2023 registered for the offences punishable under Sections 376 and 506 of the I.P.C. and Section 67A of the I.T. Act.

3. As per the prosecution case, about fifteen days prior to the lodging of the F.I.R. when the victim was alone at her home, the co-accused Ramashish Mehta arrived and asked about the payment of '*straw-bundle*', she told him that her mother had gone to *Bhantabadi (Nepal)* for her treatment and while



returning, she would stay at *Hariharpur* for some time. After getting information, the co-accused Ramashish Mehta returned back. On the same day, in the night, the victim and her two brothers went to sleep after dinner, her two younger brothers were sleeping in verandah, whereas the victim was sleeping inside the room. The victim awoke, when somebody hold her mouth, she saw that the co-accused Ramashish Mehta had blocked her mouth with his left hand, while he has gun in another hand. When the victim attempted to raise voice for help, the co-accused Ramashish Mehta threatened her to kill, thereafter the co-accused Ramashish Mehta raped her forcibly and took video of the incident. While returning away from spot, the co-accused Ramashish Mehta threatened to make the obscene video viral. Later on, when the victim prevented the co-accused Ramashish Mehta of his harassing activities, he forwarded the victim's obscene photographs to her relatives. When the victim's father returned to home from Punjab and asked the co-accused Ramashish Mehta about the said incident, he threatened to finish the entire family of the victim.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the



F.I.R. His name has come in the present case during the course of investigation and on his self confessional statement. There is no allegation against the petitioner rather the victim has alleged allegation against the co-accused Ramashish Mehta for committing rape on her on the gun point and video recording of the incident and also taking victims' obscene photographs. The victim in her statement recorded under Sections 161 of the Cr.P.C. and 164 of the Cr.P.C. has not alleged anything against the petitioner. It is further submitted that the photographs and video of the victim were made viral from the Mobile No. 9523453217 which belongs to one Phulo Paswan and no photographs or video was made viral from the mobile of the petitioner or from the mobile of his family members or relatives. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 01.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

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 A.D.J.-VI-cum-Special Judge, POCSO, Supaul in connection with POCSO Case No. 118 of 2023, arising out of Ratanpura P.S. Case No. 45 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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