

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37658 of 2024

Arising Out of PS. Case No.-428 Year-2023 Thana- UCHKAGAON District- Gopalganj

Raju Yadav, S/O Sambhu Yadav @ Sambhu Chaudhari, R/O Village-
Misrawalai, P.S.- Fulwariya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harendra Prasad, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Uchkagawn P.S. Case No. 428 of 2023, registered for the alleged offences under Section 420, 406, 354(D) and 509 of the Indian Penal Code.

3. As per prosecution case, the petitioner solemnized marriage with the informant giving her inducement and started blackmailing her by making a video of their sexual act on mobile phone.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is a case of love affair between the informant and the petitioner. From the FIR, it is apparent that the informant



voluntarily entered into relationship with the petitioner after solemnizing marriage. There is huge age difference between the petitioner and the informant as the petitioner is aged about 21 years and the informant is aged about 30 years and she is already a married woman. The learned counsel further submits that there is no evidence of blackmailing or making viral any video or even preparation of video. It appears the informant has lodged this case under pressure from her family members. However, the matter has been compromised between the parties and the informant gave an application before the learned Sessions Judge, Gopalganj. The petitioner is in custody since 16.11.2023 and the charge sheet has been submitted in this case. The petitioner is having criminal antecedent of one case which was lodged earlier for the same occurrence of solemnization of marriage with the informant.

5. Learned APP opposes the submission made on behalf the petitioner. The learned APP submits that the petitioner forcibly committed rape with the informant and made a video on mobile phone and started blackmailing her with threat of making viral the said video and the informant gave him money on number of occasions and these facts have been mentioned in the statement of the victim girl under Section 164 Cr.P.C.

6. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the conduct of the informant coupled with her age and her marital status and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj/court concerned, in connection with Uchkagawn P.S. Case No. 428 of 2023, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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

