

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39083 of 2024

Arising Out of PS. Case No.-34 Year-2024 Thana- BUNIYAD GANJ District- Gaya

Suraj Kumar @ Chhotu Kumar S/o Jitendra Prasad Resident of Mohalla-
Manpur Pehani, Neemtar Manpur, P.S. - Buniyadganj, Distt gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K Agarwal, Sr. Advocate Mr. Aniket Kumar Thakur, Advocate
For the State	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-09-2024 Heard Mr. N.K Agarwal, learned senior counsel
for the petitioner and Mr. Nawal Kishore Prasad, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
16.02.2024 in connection with Buniyadganj P.S. Case No. 34 of
2024, F.I.R. dated 15.02.2024 for the offences punishable under
Sections 376 and 509 of the Indian Penal Code and Sections 66
and 67 of the Information Technology Act.

3. According to prosecution case, this petitioner has
forcefully made physical relation with the informant and also
captured her nude pictures and video. It is further alleged that
the petitioner pressurized the informant to marry him and
threatened her to viral the said nude videos.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the date of occurrence is 09.02.2023 but the F.I.R has been instituted after an inordinate delay of about one year.

5. Learned Additional Public Prosecutor on the basis of material available on record as well as case diary has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner in the F.I.R and the statement of the victim was recorded under Section 164 of the Cr.P.C. in which she has categorically stated that the petitioner has committed rape upon her and apart from that the petitioner has also recorded her nude video. He further submits that it appears from the paragraph no. 5 of the case diary that the petitioner has confessed his guilt and he has also accepted the fact that he has recorded nude video of the victim/informant.

6. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection



with Buniyadganj P.S. Case No. 34 of 2024 pending in the court
of learned Judicial Magistrate 1st Class, Gaya.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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