

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39724 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- MAHILA P.S District- Supaul

Tuntun Yadav, aged about 25 years, Male, S/O Shri Ramanand Yadav, R/O Village- Beriya, Ward No.8, P.S.- Pipra, Dist – Supaul.

... .. Petitioner

Versus

1. The State of Bihar.
2. Ranjan Devi, Female, aged about 34 years, W/O Shri Jeewachh Sharma, R/O Ward No. 9, Keshav Nagar, P.S.- Pipra, Dist- Supaul.
3. Jeewachh Sharma, Male, aged about 45 years, S/O Shri Vishwanath Sharma, R/O Ward No. 9, Keshav Nagar, P.S.- Pipra, Dist- Supaul.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Amrit Abhijat, Advocate
For the State : Mr. Ahmad Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 10-07-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Supaul Mahila P.S. Case No. 13 of 2024 dated 06.03.2024 registered for the offences punishable under Sections 376d, 379/34 of the I.P.C. and Sections 66d and 67 of the I.T. Act.

3. As per the prosecution case, on 05.02.2024 at 8.00 P.M., when the informant was returning to her *sasural*, the co-accused Kanchan Devi, Sarita Devi, Tuntun Yadav (petitioner), Sandeep Yadav and four unknown persons were standing by the side of the road. When she reached near them, suddenly, Tuntun



Yadav (petitioner) on the point of *three-not-three (gun)* and the co-accused Sandeep Yadav tied her mouth with *gamachha* and all the accused persons lifted her and took her to a lonely wheat field and all the accused persons committed rape on her one by one and also made video of that occurrence from the mobile and while going from there, Tuntun Yadav (petitioner) forcibly took Rs. 30,000/- from her purse and the co-accused Sandeep Yadav took her both ear-rings worth Rs. 40,000/- and they also threatened her to make the video viral, if she discloses about the occurrence to anyone else. She did not disclose the occurrence to any one due to societal fear. It is further alleged that four to five days prior to lodging of the present F.I.R., the co-accused Kanchan Devi and Sarita Devi came to her courtyard (*aangan*) and shown her some video footage and threatened her to establish physical relationship with the accused persons on demand. It is also alleged that after the obscene video got viral, the informant was being assaulted by his relatives, namely, Krishnadeo Sharma and Kritlal Sharma and she has apprehension that she might get murdered by the accused persons.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



the present case. It is submitted that the occurrence took place on 05.02.2024 and the F.I.R. has been lodged on 05.03.2024 after a delay of one month for which no explanation has been given by the prosecution which creates serious doubt about the prosecution case. The petitioner is a resident of village-Bairiya Ratauli and the resident of the informant is at Keshav Nagar which is at a distance of 15 K.M. The *mai*ke of the informant is at village-Sakhua which is at a distance of 22 K.M. Hence, there is no chance that the informant can recognize the petitioner in the dead of the night. The medical examination of the victim has not been conducted as she denied to be medically examined as no wrong has been committed with her and one month has elapsed also but the Investigating Officer has struck-off the word 'Nahi' without any initial. The petitioner has not committed rape on the victim nor he has any concern with her video. The victim in her statement recorded under Section 164 Cr.P.C., has stated that when the co-accused Sandeep Yadav was committing rape, the petitioner was making video and when the petitioner was committing rape the co-accused Sandeep Yadav was making video. She further alleged that thereafter, the petitioner sent two videos to the mobile of the co-accused Sarita Devi but the co-accused Sarita Devi and Kanchan Devi have not



shown the video to the victim but they have shown to the relatives of the victim. Learned counsel for the petitioner further submits that no such video is available, thus scientific evidence does not support the prosecution case. The real fact is that the informant had illicit relationship with the co-accused Sandeep Yadav and on the alleged date of occurrence, she came to the field on four wheeler vehicle of the co-accused Sandeep Yadav alongwith Niraj Yadav, Rupan Yadav and Raja Yadav and were doing something in the wheat field and the petitioner was irrigating in his field which is adjoining to the place of occurrence and some one made video and made it viral and the informant has suspicion that the petitioner has made video and do it viral and because of only this reason, he has falsely been implicated in the present case. There are contradictions in the F.I.R., and the statement of the victim recorded under Section 164 Cr.P.C. The petitioner has one criminal antecedent in which he is on bail, as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 09.03.2024.

5.Learned A.P.P. for the State has opposed the prayer for bail petition of the petitioner and has further submitted that the petitioner alongwith other co-accused person has committed rape on the victim. The victim in her statement recorded under



Section 164 of the Cr.P.C., has stated that the petitioner and the co-accused Sandeep Yadav have committed rape on her.

6. Considering the aforesaid facts and circumstances of the case as well as finding contention in the learned A.P.P. for the State, this Court is not inclined to grant bail to the petitioner and the same is rejected in connection with Supaul Mahila P.S. Case No. 13 of 2024, pending in the court of learned C.J.M., Supaul.

7. The learned court below is directed to conclude the trial of the petitioner at the earliest.

(Chandra Prakash Singh, J)

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