

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48710 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- MAHILA PS District- Darbhanga

VIKASH KUMAR @ VIKASH KUMAR SAH SON OF UMA SHANKAR
SAH R/O- MOHALLA- HASAN CHOWK, KUMHRAR TOLI, P.S.-
NAGAR, DISTT.- DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. ANAMIKA KUMARI D/O- RAVI PURBEY R/O- MOHALLA-
SAHSUPAN, RAJENDRAPURI, P.S.- LAHERISARAI, DISTT.-
DARBHANGA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidhyanath Thakur, Adv.
For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-09-2024 Heard Mr. Baidhyanath Thakur, learned counsel for the
petitioner and Mr. Dilip Kumar No.1, learned A.P.P. for the
State.

2. The petitioner apprehends his arrest in connection
with Darbhanga Mahila P.S. Case No. 12 of 2024 registered for
the offences punishable under Sections 376, 506 of the Indian
Penal Code and Sections 66-A and 67 of the Information
Technology Act.

3. As per FIR, the prosecution case, in brief, is that there
was friendship between the informant and the petitioner. On an
unfortunate day, the petitioner intoxicated some substance to the
informant due to which she became unconscious. Taking



advantage of the situation, the petitioner committed rape with her and took her obscene photographs. Thereafter, he started blackmailing her to make her obscene photographs viral on social media. On this threat, he committed rape with her several times. In the meantime, the marriage of the informant was solemnized with one Nitin Kumar on 01.05.2023 and she started living in Delhi with her husband. It is further alleged that after marriage of the informant, the petitioner send those obscene photographs on her mobile phone as well as that of her husband due to which her husband deserted her.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. He has neither took any nude pictures of the informant nor made her picture viral nor sent any obscene picture of the informant from his mobile number on her or her husband's WhatsApp platform. It is further submitted that there is compromise between the parties, which is also evident from Annexure-P2. Petitioner has no criminal antecedent as mentioned in para-3 of this application



5. Learned APP for the State opposes the prayer for bail and submits that there is serious allegation against the petitioner to commit rape, take obscene photograph of the informant and transmit the same to her husband. He further submits that the victim, in her statement recorded under Section 164 Cr.P.C., has supported the prosecution case. Hence, the petitioner does not deserve the privilege of anticipatory bail.

6. Considering the facts and circumstances of the case as well as the statement of the victim recorded under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. Accordingly, the application stands dismissed.

(Anjani Kumar Sharan, J)

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