

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45625 of 2024

Arising Out of PS. Case No.-496 Year-2023 Thana- MINAPUR District- Muzaffarpur

Nawal Kumar @ Nawal Kishore S/o Vishwanath Prasad @ Vishwanath
Bhagat R/o vill - Mustafaganj, ward no. 4, P.s. - Minapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Punam Shrivastava, Advocate
For the State	:	Mr.Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner; learned
counsel for the informant and learned APP for the State.

2. The petitioner seeks bail in connection with
Minapur (Muzaffarpur) P.S. Case No. 496 of 2023 registered for
the offence punishable under Sections 376 and 389 of the Indian
Penal Code and Section 66 of the I.T. (Amended) Act, 2000.

3. The allegation against the petitioner is of
threatening the victim-informant and committing rape with her.
It is also alleged that the petitioner had recorded his sexual acts
with the informant and he used to blackmail the informant on
the basis of that. The petitioner is also accused in Ahiyapur
(Muzaffarpur) P.S. Case No. 376 of 2023 for causing gun shot
injury to the husband of the victim-informant.



4. It has been urged by the learned counsel for the petitioner that the informant has not been raped but it is counter case by the petitioner as a case was filed by the mother of the petitioner against the husband of the victim-informant.

5. The petitioner is in jail since 11.01.2024.

6. Learned counsel for the informant has opposed the prayer for bail and has submitted that the victim-informant has supported the FIR in her statement under Sections 161 and 164 Cr. P.C. Apart from that it has also come that the recordings of the telephonic conversation between the petitioner and the informant threat to the informant was recorded and the same has been made available to the Investigating Officer in pen drive.

7. Mr. Jharkhandi Upadhyay, learned APP has also opposed the prayer for bail made by the petitioner.

8. I have considered the submissions of the parties. There is direct allegation of rape against the petitioner. The informant has supported the allegation of rape in the statement made under Sections 161 and 164 of the Cr.P.C. Earlier, the petitioner had shot at the husband of the informant. It appears that the petitioner was desperate to have a relationship with the informant and therefore he has indulged in trying to kill the husband of the informant also.



9. In these circumstances, I am not inclined to grant bail to the petitioner.

10. Accordingly, this application is dismissed.

11. The Court below is directed to expedite the trial.

(Sandeep Kumar, J)

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