

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51407 of 2024

Arising Out of PS. Case No.-360 Year-2022 Thana- DHORAIYA District- Banka

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Piyush Kumar @ Sonu S/O Muneshwar Mandal Resident of village- ghasia,
PS- Dhoraiya, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajesh Kumar Gupta Son of Motilal Gupta R/O Vill.- Chandani Chowk
Dhoraiya, P.S.- Dhoraiya, Dist.- Banka

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 09-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Dhoraiya P.S. Case No. 360 of 2022 dated 21.10.2022, instituted
for the offence punishable under Sections 341, 323, 354(B),
509, 420 and 120 B of the Indian Penal Code and Section 8 of
the POCSO Act and 67(A) of the I.T. Act.

3. The prosecution case, in short, is that daughter of
the informant used to go to R.T.S. Coaching, Ghasia for
studying. On 07.10.2022, the informant got secret information
that on threatening of viral obscene picture, one Piyush Kumar
(petitioner) took away her daughter on the way to Kurma and



tried to outrage her modesty.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner has never committed any offence as alleged in the FIR. It is further submitted that from bare perusal of the FIR as well as impugned order, it would be evident that there is allegation against the petitioner of making the video viral through Social Media of the victim girl, whereas petitioner has never committed such offence as alleged and the mobile from which video has been made viral does not belong to the petitioner. It is further submitted that statement of the victim recorded under Section 161 and 164 of the Cr.P.C. is against the petitioner and other co-accused but she has given the such statement as taught by her parents. Lastly, it has been submitted that the petitioner is in custody since 15.05.2023, he has no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P. vehemently opposed the prayer for bail of the petitioner and submitted that there is a specific allegation against the petitioner of trying to outrage the modesty of the daughter of the informant, who is a minor girl. It is further stated that the statement of the victim recorded under



Section 164 Cr.P.C. has also supported the allegation against the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer of petitioner for grant of bail is rejected.

(Khatim Reza, J)

Sankalp/-

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