

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46697 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- BATH District- Bhagalpur

Santosh Kumar S/o- Late Bucho Choudhary Village - Marwa, P.S. Jhandapur,
District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Vijay Anand, Advocate
For the State	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Subodh Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Heard Mr. N.K. Agrawal, learned senior counsel for the petitioner, Mr. Subodh Prasad, learned counsel for the informant and Mr. Umanath Mishra, learned A.P.P. appearing on behalf of the State.

2. The petitioner seeks bail, who is in custody since 14.05.2024, in connection with Bath P.S. Case No. 74 of 2024, FIR dated 13.05.2024 registered for the offence under Section 376 of the Indian Penal Code and Section 67(A) of the I.T. Act.

3. As per the prosecution case, petitioner induced informant's sister and forcibly established physical relationship with her on the assurance of marriage. The petitioner also took some objectionable photographs of informant's sister and started blackmailing her.



4. Learned senior counsel appearing for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that the present FIR has been instituted after a delay of about six months without giving any explanation for delay.

5. Learned counsel for the informant as well as learned A.P.P. for the State, on the other hand, have opposed the prayer for bail of the petitioner and learned counsel for the informant has filed a counter affidavit stating therein that the statement of victim was recorded under Section 164 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 captured the nude photographs of the victim and medical report of the victim also suggests that the allegation as alleged in the FIR is true.

6. Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail in connection with Bath P.S. Case No. 74 of 2024 pending in the Court of learned Judicial Magistrate, 1st Class-Cum-A.M., IV,



Bhagalpur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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