

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62510 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- DUMARIYA District- Gaya

1. Chandan Kumar Son of Vindeshwar Prajapati Resident of Village - Sonepura, P.S. - Dumaria, District - Gaya
2. Manish Kumar Son of Rajesh Prasad Resident of Village - Devchanddih, P.S. - Bhadwar, District - Gaya
3. Jagarnath Mahanta @ Jagarnath Kumar Mahanta Son of Vijay Mahto Resident of Village - Devchanddih, P.S. - Bhadwar, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priti Kumar @ Priti Kumari Wife of Yashwant Kumar @ Sintu Kumar Resident of Village - Mandar, P.S. - Dumaria, District - Gaya

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Kant

For the Opposite Party/s : Mr.Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 18-12-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 376, 387, 466 and 120B of the Indian Penal Code and Sections 67 and 66 of I.T. Act.

3. The S.H.O.-cum-Investigating Officer of the case, in compliance of the order dated 16-12-2024, is present in the Court.

4. Learned counsel for the petitioners submits that the



petitioners are persons with clean antecedent. It is next submitted that Petitioner No. 1 was the tenant of mother-in-law of the informant and there was a good relation in between them, further the mother-in-law of the victim needed some money for the purposes of construction work, hence petitioner No. 1 transferred a sum of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand) on different dates through digital payment as well as cash, but when Petitioner No. 1 started demanding his money back, informant's mother-in-law, with the help of the informant, fabricated a false story against the accused persons.

5. It is next submitted that informant alleges that she resides with her family in her house situated at village Mandar, further Chandan took a shop in front portion of the house on rent, where he used to run a mobile shop, further Chandan secretly took photographs of the informant while she was bathing and thereafter started blackmailing and established physical relationship, it is further alleged that on protest, Chandan used to send the video to petitioner Nos. 2 and 3. It is next alleged that even the Petitioner Nos. 2 and 3 used to rape her and Petitioner Nos. 1 and 2 raped her several times in various hotels and they made the video viral.

6. Learned counsel for the petitioners next submits



that petitioners have been falsely implicated in the instant case by the informant. It is next submitted that Petitioner No. 1 is a graduate, and Petitioner No. 2 is studying in Sai Samrth School of Nursing at Gwalior. It is next submitted that informant and Chandan were in a relationship, it is further submitted that they used to establish physical relation but when the husband of the informant came to know about the same, the present false FIR came to be instituted with an allegation that rape was being committed and the video was made viral. It is further submitted that it absolutely does not stand to reason that the victim in the FIR has not disclosed the name of the hotels, where she is alleged to have been raped by the Petitioner Nos. 1 and 2. It is next submitted that it does not appear probable that had any occurrence of the nature as alleged would have taken place in hotels, in that event, the name of the hotels would have been disclosed. It is also submitted that though it is alleged that video was made viral, but then during the course of investigation, no material has come which could even remotely suggest that any video of the informant was made viral on any of the social sites.

7. It is next submitted that during the course of investigation, the statement of the husband of the victim was recorded, who disclosed that he saw inappropriate photographs



of his wife on a mobile and thereafter he enquired from her, when she disclosed that Chandan had taken her photographs while bathing secretly, thereafter he and other accused were continuously exploiting her sexually. It is next submitted that even the husband of the informant does not disclose that on whose mobile, he saw the inappropriate photographs of the informant nor the informant has disclosed before the police that to whom her inappropriate photographs were sent by the Petitioner No. 1, as during the course of investigation, it has not come that any independent witness or any interested witness has disclosed before the police that they saw the viral video of the informant on their mobile.

8. It is next submitted that no doubt the Petitioner No. 1 and informant were in love as the husband of the informant always remained outside in connection with work as such they became intimate and some photographs were also taken, which were with the informant and it appears that informant has given the said photographs to the police falsely alleging that the photographs were made viral, but then it is reiterated that during the course of investigation, nothing has come which could even remotely suggest that the video or photograph of the informant was made viral.



9. On query of the Court from the S.H.O-cum-Investigating Officer of the case that as to whether during the course of investigation any witness has disclosed that he had seen the video on his mobile or not, on which he fairly submits that no witness during the course of investigation has disclosed that they had seen the video or photographs of the informant on their mobile or on any social site, but then it is next submitted that investigation in the case is still continuing.

10. At this stage, learned APP submits that if the privilege of anticipatory bail is granted to the petitioners, the petitioners may abscond, on which the learned counsel appearing on behalf of the petitioners submits that petitioners will not abscond rather will cooperate in the investigation to prove their innocence.

11. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with



Dumaria P.S. Case No. 24 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

12. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioners, despite giving assurance to this court, are not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

13. It is further made clear that if charge sheet is submitted connecting the petitioners with the offence that they made the photograph of the informant viral on social media or had sent the inappropriate photographs of the informant on mobile of other persons, in that event, the present anticipatory bail order shall lose its effect.

14. The personal appearance of the S.H.O.-cum-Investigating Officer is dispensed with.

(Satyavrat Verma, J)

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