

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68422 of 2024

Arising Out of PS. Case No.-72 Year-2023 Thana- MAHILA PS District- Gaya

Sanjeet kumar S/o Ganesh Mistri R/o - khajuri, P.S - Konch, District - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gita Kumari D/o Surendra Mistri R/o vill - Garani, P.O. - Telha, P.S. - Konch, distt. - Gaya, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

Mr. Ajay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 25-10-2024 Heard Mr. Ashok Kumar, learned counsel for the petitioner and Mr. Choubey Jawahar, learned APP for the State.

2. Earlier the regular bail of the petitioner was rejected vide order dated 09.05.2024 passed in Cr. Misc. No. 11601 of 2024 (Annexure- P/1). The present is the second application for regular bail filed on behalf of the petitioner.

3. The petitioner seeks bail in connection with Gaya Sadar Mahila P.S. Case No. 72 of 2023, instituted for the offences punishable under Section 376, 504 & 506 of the Indian Penal Code and Sections 67 & 67A of the IT Act.

4. The prosecution case, in short, is that, informant met with the petitioner in the year 2021 and then they started



talking to each other. It is alleged that petitioner used to threaten her by saying that he will leak the naked photo of the informant. It is next alleged that petitioner has sent the informant's naked photo to her family members.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the victim is aged about 20 years. There is inordinate delay of nine months in lodging of the FIR. There is contradiction in the statement of the victim recorded under Section 161 and 164 of the Cr.P.C. It is further submitted that till now no cognizance has been taken as also Charge has not yet been framed in this case. The petitioner is in custody since 05.10.2023 and has got one criminal antecedent in which he is on bail.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Gaya Sadar Mahila P.S. Case No. 72 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

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