

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69595 of 2023

Arising Out of PS. Case No.-89 Year-2023 Thana- FULKAHA District- Araria

Sunil Kumar Yadav @ Sunil Yadav Son Of Binda @ Bindeshwari Yadav
Resident Of Village - Laxmipur, Ward No.14, Fulkaha, District - Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered
for the offence punishable under Sections 376, and 354(c) of the
Indian Penal Code.

3. As per allegation in the F.I.R., while the
victim/informant had gone to “Balwahi Dhar” river for cutting
grass, petitioner committed rape with her and further took her nude
picture from mobile and threatened to make the picture viral if she
resist his physical advancement. Thereafter on 20.07.2023 he
made her picture viral when she refused to heed into petitioner’s
demand.

4. Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has been falsely implicated in this case. The F.I.R. has



been lodged after the delay of 7 days from the date of occurrence and statement of the victim was recorded u/s 164 of Cr.P.C. after the delay of 6 days from the date of lodging the F.I.R. The victim is a matured and married lady. During the entire investigation, the alleged viral photo is not on record nor nay witnesses have claimed to see the viral picture of the informant. The medical report of the victim also not corroborates the prosecution case. Petitioner is languishing in judicial custody since 29.07.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed.** The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Forbesganj, Araria in connection with Fulkaha P.S. Case No. 89 of 2023.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

