

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81047 of 2024

Arising Out of PS. Case No.-62 Year-2024 Thana- BAISI District- Purnia

Munna @ Md. Munna Son of Kachali Resident of Village - Khutiya, P.S. -
Baisi, District - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gausi Khatoon Daughter of Md. Islam Resident of Village - Khutiya, Post
Office - Baisi, P.S. - Baisi, District - Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Ejaz Akhtar, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-12-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Baisi P.S. Case no. 62 of 2024 registered under section 376 of the Indian Penal Code.

3. As per prosecution case, the informant states that finding her alone in the house, the petitioner committed rape on her. It is further stated that he took photograph of the act and threatened that he would make the same viral. It is further stated that on learning about the marriage of the informant having been settled elsewhere he made the photograph viral.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Both



the petitioner and the informant are major and it was a case of love affair between the parties. The relationship between the parties was consensual and for this reason there was delay of 1 ½ years in lodging of the F.I.R. The petitioner is in custody since 27.8.2024 and has no criminal antecedent. He undertakes to cooperate in the case.

5. The application for bail is opposed by learned A.P.P. for the State who referring to the statement of the victim recorded under section 164 Cr.P.C. submits that the victim/informant has supported the allegation of rape against this petitioner in her statement.

6. Having heard learned counsel for the parties and taking into consideration the allegations of rape against the petitioner in the F.I.R., together with the victim having supported the allegation in her statement under section 164 Cr.P.C., the Court is not inclined to enlarged the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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