

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80148 of 2023

Arising Out of PS. Case No.-80 Year-2023 Thana- MAHESHKHUNT District- Khagaria

KAILASH KUMAR, MALE, AGED ABOUT 24 YEARS, SON OF DOMI
PODDAR R/O VILLAGE- DWARIKA, WARD NO.15, P.S.- SIMRI
BAKHTIYARPUR, DISTRICT- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the Opposite Party/s	:	Mr. Ram Sumiran Rai, APP
For the Informant	:	Mr. Mritynjay Kumar, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 18-03-2024 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Maheshkhut P.S. Case No.80 of 2023 registered for the offence
under Sections 376 of the Indian Penal Code and Section 67,
67(a) of the IT Act, 2000.

3. Allegation against the petitioner is to have
committed rape upon the informant several times forcibly and
blackmailing after making a inappropriate video.

4. Learned counsel appearing on behalf of the
petitioner has submitted that petitioner has falsely been
implicated in the present case. It is submitted that both are



consenting parties and after consent petitioner made physical relation and the present FIR has been lodged to save herself when other family members of the informant known about this illicit relationship. It is also submitted that if the petitioner committed rape forcefully then why she did not inform her family or lodged any complaint/FIR before police station. It is further submitted that petitioner is a man of clean antecedent and he is in custody since 09.05.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner and submitted that there is allegation of committing rape upon the informant against this petitioner.

6. In view of the allegation, as made above, as it appears from FIR and impugned order that petitioner contacted informant on mobile phone and came at the house of informant and petitioner gave several offers, where, informant came in bluff and petitioner committed rape several times with her forcibly and when informant opposed it the petitioner threatened to kill her son and on 05.04.2023 petitioner came at the house of the informant and committed rape with her and made video and demand money and threatened to made the video viral, if the informant would not meet his demands, where,



informant failed to pay money to the petitioner then this petitioner made the video viral and it appears from perusal of statement of victim under Section 164 of the Cr.P.C. supported the version of FIR and also it appears from perusal of paragraph no.4 of the case diary that a pan-drive consists porn video was produced before the investigating officer by the victim and also there is transaction record as made between the parties, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer of bail of the petitioner is rejected herewith.

(Ramesh Chand Malviya, J)

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