

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4676 of 2024

Arising Out of PS. Case No.-82 Year-2023 Thana- MAHILA P.S. District- Patna

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Aman Kumar Son of Anil Kumar Permanent Address - Noorpur, P.S. - Malsalami, District - Patna, At Present Nababganj, Renter Of House Of Tufaniji, P.S. - Malsalami, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Pandey, Adv.

For the Opposite Party/s : Mr.Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 01-04-2024 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Mahila P.S. Case No. 82 of 2023 instituted for the offences under Sections 376, 506 of the Indian Penal Code and Section 67, 67A of the I.T. Act.

3. As per prosecution case, the allegation against the petitioner is of raping the victim girl after administering her intoxicating drugs. It has further been alleged that the petitioner has also made her photos and videos viral on Instagram.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case.



He further submits that with the consent of the Informant, the petitioner developed friendship with her. He further points out that the Informant herself has stated that since the year 2020, the petitioner has started blackmailing and in December, 2021 he tried to make illicit relation and in the month of October, 2022, he came to meet her and made illicit relation and prepared video but she did not lodge the F.I.R. and kept mum for the aforesaid period. She has further stated that on 09.08.2023, the petitioner has made viral her photographs on Instagram and after lapse of five days i.e. on 14.08.2023, the F.I.R. was lodged which falsifies the prosecution case. It is further stated that consented sex is not a rape and thus, Section 376 I.P.C. is not made out against the petitioner. In the medical report of the victim also, there is no visible injury seen over any part of her body. He further submits that neither the petitioner has captured image of the Informant without consent nor he prepared video viral in Instagram which proves that Section 67, 67A of the I.T. Act is not at all attracted. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 21.08.2023 and the charge-sheet been submitted in this case.

5. On the other hand, the learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is named in the F.I.R. and as per allegation, the petitioner has made illicit relation with the victim girl after administering her medicines and has also made the photographs and videos viral on social media which has been corroborated by the victim girl in her statement made under Section 161 Cr.P.C. and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner coupled with the fact that in the medical report, no visible injury was found, let the petitioner, abovenamed, be released on bail after framing of charge, if already not framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahila P.S. Case No. 82 of 2023.

(Rudra Prakash Mishra, J)

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