

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1608 of 2024

Arising Out of PS. Case No.-717 Year-2023 Thana- KOTWALI District- Patna

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MUKESH KUMAR S/o Rajendra Prasad Resident of Mohalla-Daroga Rai
Path, MLC Quarter, Block-D, P.S.-Kotwali, District-Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 21-03-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Kotwali P.S. Case no.
717 of 2023 registered under sections 376 and 506 of the Indian
Penal Code and section 4 of the POCSO Act.

3. As per the prosecution case, the informant states
that she is a student belonging to a poor family. Her
objectionable video was made and the petitioner on the threat of
that video committed rape on her. He had threatened that he
would make the video viral if she did not consent to his actions.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in the
case. Placing reliance on the statement of the victim under



section 164 Cr.P.C it is submitted that it would be evident that the relationship, if any, between the petitioner and the informant was consensual and only for the reason that the marriage did not take place that the petitioner was falsely implicated in the case. The petitioner is in custody since 18.9.2023 and charge-sheet has been submitted in the case.

5. The application for bail is opposed by learned APP for the State who submits that there is direct allegation against the petitioner of having committed rape on the informant on the threat of making the objectionable video of the informant, viral.

6. Having heard learned counsel for the parties and taking into consideration the allegation of rape of the informant being on the petitioner together with the contents of the statement of the victim under section 164 Cr.P.C, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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