

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6627 of 2025

Arising Out of PS. Case No.-278 Year-2024 Thana- RAGHOPUR District- Vaishali

Rahul Kumar S/O Badri Ray R/O Village- Nagargawan, P.S- Raghapur,
Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti

For the Opposite Party/s : Mr. Ram Sumiran Rai

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 25-04-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Raghapur Police Station Case No. 278 of 2024,
disclosing offences under Sections 75, 76, 79, 308(3), 3(5) of the
BNS, 2023 and Section 66 C and 66D of the IT Act.

3. As per the prosecution case, on 12.05.2024,
informant Premshila Devi was allegedly attacked by Lalan Rai,
Rahul Kumar (petitioner), Bechan Rai, and two unidentified
masked men while returning home with Rs. 30,000/-. The accused
persons allegedly dragged her into a maize field, tore her clothes,
filmed her obscenely, and confined her in Lalan Rai's house where
they attempted sexual assault and made obscene videos. Later,
Lalan Rai allegedly demanded Rs. 1 lakh and threatened her to
make the video viral. When the demand was not met, he made the
video viral on Facebook. Ramsagar Rai also allegedly threatened
to implicate her in a false case.

4. Learned Counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and he has falsely been implicated in the present case due to dirty village politics. The FIR has been lodged after a delay of four and half months inasmuch as the occurrence took place on 12.05.2024 and the present FIR was lodged on 01.10.2024. He further submits that there is no evidence in support of the allegations made by the informant and the entire allegation is vague and concocted. He next submits that the allegation against the petitioner is general and omnibus as no direct allegation/overt act has been alleged against the present petitioner.

5. Learned counsel for the informant argued that the occurrence has taken place on 12.05.2024 and the informant immediately gave a written report to the SHO, Raghapur, but under the influence of co-accused Ramsagar Rai who is a retired Sub-Inspector, FIR of the informant was not registered and immediately thereafter, the petitioner on 14.05.2024 lodged a written complaint before the Superintendent of Police, Hajipur, Vaishali, regarding non-acceptance of FIR by the Raghapur Police Station. Upon direction of the S.P., Hajipur, Vaishali, the present FIR has been lodged after some delay. She further submits that during investigation, pen-drive of the viral video having nude pictures of the victim in which the petitioner and other accused persons are seen disrobing the victim lady was produced before



the police.

6. The IO of the present case was directed to be present along with the case diary who is present in court. The IO referring to Para 11 of the case diary has accepted that pen-drive has been seized and a seizure list has been prepared. He further submits that there is sufficient material against the petitioner to connect him with the present occurrence.

7. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of offence and the fact that the petitioner is named in the FIR which contains allegation of sexual assault and outraging the modesty of the informant and prima facie evidence has been collected during investigation against the petitioner and others, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

8. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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