

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49459 of 2025

Arising Out of PS. Case No.-438 Year-2024 Thana- RAJIVNAGAR District- Patna

Mithun Kumar S/o Ram Upnesh Shah R/o village - Tilaktajpur Ramnagra,
P.S. - Runnisaidpur, Dist. -Samastipur.at present Mohalla - Rajiv Nagar, Road
no. 4, P.S. - Rajiv Nagar, Dist.- Patna

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Pinku Devi W/o Dinesh Sah R/o vill - Tilaktajpur Ramnagara, P.S.-
Runnisaidpur, Distt.- Samastipur. At present R/o Mohalla - Rajiv Nagar,
Road no. 23 (H), Rajiv Nagar, P.S.- Rajiv Nagar, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Roy, Adv. Ms. Rekha Ranjan Prasad, Adv.
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the informatn	:	Ms. Ojashwi Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 14-11-2025 Heard Ms. Rekha Ranjan Prasad, learned counsel for

the petitioner and Ms. Ojashwi Kumari for the informant beside

the State.

2. The petitioner is in judicial custody in connection
with Rajiv Nagar P.S. Case No. 438 of 2024 for the offences
punishable under Sections 341, 323, 448, 376, 385 and 506 of
the Indian Penal Code and section 67 and 66(E) of the I.T. Act,
lodged on 01.08.2024 by the informant, Pinku Devi.

3. As per the prosecution story, the informant alleged
that she lives in a rented house at Rajiv Nagar, Patna and prior
to Holi festival, the petitioner who is her own nephew



committed rape and later made the video which was secretly filmed by him and made viral, this led her husband to confront and followed the F.I.R.

4. Learned counsel for the petitioner submits that it was a consenting relationship, as the husband confronted, the present FIR. The petitioner undertakes not to have any truck with the lady nor to coerce her in any way and failure to do so, the informant shall be free to take steps for the cancellation of the bail bond. Further submission is that he shall be diligently appearing in trial.

5. Learned counsel for the informant on the other hand submits that he may not co-operate in trial and may put spoke in wheels.

6. The Court has taken note of the submission put forward by the learned counsel for the petitioner that he shall be diligently appearing in trial and shall in no way have any truck with the lady-informant who is his own aunt. He is a young person and is in custody since 02.08.2024 having no criminal antecedent, an undertaking has been given as recorded above, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Patna in connection with Rajiv Nagar P.S. Case No. 438 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. Before parting, this Court would like to put on record its word of appreciation both for Ms. Rekha Ranjan Prasad, learned counsel for the petitioner and Ms. Ojashwi



Kumari for the informant for the proper assistance rendered in
the matter.

(Rajiv Roy, J)

Vijay Singh/-

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