

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79701 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- SAHAJITPUR District- Saran

Suraj Kumar Son of Munna Thakur R/o Village - Sripur/shripur, P.S.-
Sahajitpur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Adv
For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Sahajitpur P.S. Case No. 98 of 2024 registered for the

offences under Section 64/3(5) of the BNS, 2023.

3. The petitioner is named in the F.I.R. and is in

custody since 12.08.2024.

4. The allegation against the petitioner is to commit

rape upon informant/victim aged about 20 years and also

threatened to make her video viral, where the elder brother of

petitioner also alleged to commit rape upon informant/victim,

prior to this occurrence.



5. Learned counsel appearing on behalf of the petitioner submitted that as per statement of victim, petitioner was well acquainted with the family of the victim. It is pointed out that the thrust of allegation *qua* rape and advancing threat to make video viral is available against elder brother of this petitioner but as he left village and went to Delhi, petitioner being younger brother was implicated falsely. It is also submitted by learned counsel that there is no alleged video clip regarding this petitioner and even from the statement of victim as recorded under Section 164 of the Cr.P.C. it can be gathered safely that in alleged video the victim was alone and therefore allegation of threat to make video viral is not appearing convincing. It is further submitted that upon medical examination of victim, which was conducted after 8 days of occurrence, alleged to be committed by this petitioner, no sign of recent sexual intercourse was found, which further falsify the allegation as raised by this informant. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance



of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer for bail submitted that victim categorically named this petitioner as to demand money by showing the video clips and when the money was refused to pay on last occasion i.e., on 04.08.2024, this petitioner also committed rape upon her.

7. In view of the facts and circumstances as mentioned above and by taking note of fact as thrust of allegation for committing rape is available against co-accused Bittu, who is elder brother of this petitioner and the alleged video in terms of the statement of victim as recorded under Section 164 of the Cr.P.C. does not show any other face, where medical report of victim also negates any recent sexual intercourse, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 12.08.2024, accordingly, petitioner, above named, is directed to be released on bail in connection with Sahajitpur P.S. Case No. 98 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Judicial Magistrate, 1st
Class, Saran at Chapra/concerned court, subject to the
conditions as mentioned under Section 437(3) of the Cr.P.C./
480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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