

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79020 of 2024

Arising Out of PS. Case No.-230 Year-2024 Thana- AMAUR District- Purnia

Rahat Raja Son of Ahmad @ Ahmad Hussain Resident of village- Kaseri
Tola, Amour, PS- Amour, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. N.K. Agrawal , Sr. Adv. Mr. Bidhu Ranjan, Adv. Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s :	Ms. Gulnar Begum, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-01-2025 Heard the parties.

2. The petitioner seeks bail in connection with Amour P.S. Case No. 230 of 2024 registered for the offence under Sections 376, 341, 323, 354B, 379, 504 and 506 of the I.P.C.

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 daughter of the informant aged about 20 years while she visited house of the petitioner as to meet with his sister who said to be friend of the victim.

5. Mr. N.K. Agrawal, learned senior



counsel appearing on behalf of the petitioner submitted that the alleged occurrence of rape took place almost 2 years before lodging of this FIR where the cause of lodging this FIR as it is apparent from the narration of the FIR itself, was a threat which was advanced by petitioner to make video viral for intimate moments of the occurrence which took place before two years. It is submitted further that only threat was given and it was not made viral in actual. In this context, it is further submitted that during investigations any such alleged video or photograph was not collected by investigating agency and, therefore, in want of same, the certificate as required for secondary electronic evidence under Section 65(B) of the Indian Evidence Act could not be obtained. It is further pointed out that this fact is categorically available under para no. 113 of the case diary. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and



moreover, investigation of this case is completed, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid facts and submission as basis of allegation is the video and photographs for the occurrence which alleged to be taken place before 2-3 years of lodging the FIR, which not appears to be collected during the course of investigation and, therefore, the certificate also not appears to be collected by police for said electronic documents thus by negating prima-facie the basis of allegation, coupled with fact that investigation of this case is completed, where petitioner is in custody since 12.08.2024, accordingly petitioner above named, is directed to be released on bail in connection with Amour P.S. Case No. 230 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, Purnia/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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