

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79674 of 2024

Arising Out of PS. Case No.-197 Year-2023 Thana- KATEYA District- Gopalganj

Vishal Gupta Son of Manu Gupta @ Manu Sahu Resident of Village -
Baherwa Bazar, P.S.- Kateya, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. N.N. Tiwari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 03-03-2025 Heard learned counsel for the petitioner and Mr.

N.N. Tiwari, learned APP for the State. Perused the case

diary.

2. The petitioner seeks bail in connection with

Kateya P.S. Case No. 197 of 2023 instituted for the offences

under Sections 120B, 376 and 306 of the Indian Penal Code

and Section 66(a) of the I.T. Act.

3. As per prosecution case, the accusation against

the petitioner is of committing rape upon the victim girl by

blackmailing her in the name of making her nude video viral.

4. Learned counsel for the petitioner submits that

the petitioner is innocent and he has been falsely implicated in



the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. The petitioner is the Dewar of the Informant and there is a land dispute between them. He further submits that the present F.I.R. has been filed after delay of roughly 1 ½ years and only with a view to not to return the money amounting Rs. 1,30,000/- which the petitioner had lend to the family of the Informant. He further submits that in course of investigation, no viral video of the Informant was traced out or produced by the prosecution. The re-statement of the Informant and the statement made in the complaint petition are contradictory to each other which falsifies the prosecution case. There is no independent witness who have supported the prosecution case. There is no medical examination of the Informant in this case. The brother of the Informant who is a hearsay witness has stated that he came to know about the incident from Faridabad but could not produce the viral video or any clue about the viral video. The petitioner has no criminal antecedent and is languishing in judicial custody since 22.08.2024 without any rhymes or reason.



5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim girl in her statement recorded under Section 161 Cr.P.C. has supported the prosecution case. The I.O., after completion of investigation, has submitted charge-sheet under Sections 385/376 of the I.P.C. and Section 67(A) of the I.T. Act. The petitioner is named in the F.I.R. and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner as also the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kateya P.S. Case No. 197 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.



(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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