

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89397 of 2024

Arising Out of PS. Case No.-418 Year-2024 Thana- PATNA CITY CHOWK District- Patna

Mukesh Kumar Son of Badhan Yadav Resident of Village- Saho Bigha Gyan
Gadh Math, P.S.- Ghosi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2025 Heard Mr. Awadhesh Kumar, learned counsel for the
petitioner and Mr. Shantanu Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Chowk P.S. Case No. 418 of 2024, F.I.R. dated 03.09.2024 registered for the offences punishable under Sections 296, 351(2), 79, 351(1), 64 of BNS.

3. Allegation against the petitioner is that he has made a private video and on the basis of that he has committed rape with the victim.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.



As per allegation in the F.I.R. the petitioner on the basis of showing the private video has committed rape upon the victim. In fact, no such video was found during investigation and apart from that the statement of the victim girl was recorded under Section 164 of the Cr. P.C./Section 183 of B.N.S.S, 2023 in which she has stated about the sexual assault against the petitioner. Although, she has supported the case of the prosecution but she has also refused for her medical examination.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and fact that the petitioner having clean antecedent and the victim has refused for her medical examination, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM Vith, Patna City, Patna in connection with Chowk P.S. Case No. 418 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/



Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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