

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89854 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- KISHANPUR District- Supaul

Sanjay Sah @ Sanjay Kumar S/O Ganesh Sah @ Ganesh Prasad Sah Resident
of Village- Tharbitta (near railway station), P.S- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 26-03-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S.T. No. 214 of 2024 arising out of Kishanpur P.S. Case No. 132
of 2023, lodged on 04.06.2023, under Section 376 of the Indian
Penal Code and under Section 66(E) of the I.T. Act, 2000.

3. Learned Counsel for the petitioner submits that the
bail application of the petitioner was earlier rejected vide order
dated 05.03.2024 passed in Cr. Misc. No. 81977 of 2023 with
liberty to renew his prayer for bail 3 months after framing of the
charge.

4. Counsel further submit that 3 months time have
already elapsed and a report regarding the present stage of the
trial was called for. Counsel further submits that the entire factual
matrix of this case has changed now, as the case has been filed
under Section 376 of the Indian Penal Code read with Section



66(E) of the I.T. Act but later on the police has submitted the charge-sheet under Section 376 of the Indian Penal Code only and cognizance has also been taken under Sections 376/34 of the Indian Penal Code. Counsel further submits that the Additional Sessions Judge-I, Supaul, had passed the order on 25.11.2024 in which this fact has been acknowledged, whereas this Court had previously rejected the petitioner's bail application on 05.03.2024. Counsel further submits that if Section 66(E) of the I.T. Act has not been added either in the charge-sheet or in the cognizance, meaning thereby there is lacking of evidence of the alleged video recording in the FIR.

5. Counsel further submits that from the contents of the FIR itself, it becomes clear that there is a relationship of employer and an employee, i.e., the accused and the informant. Counsel also submits that the petitioner has been in custody since 14.08.2023 and ready to face the trial but he has been unnecessarily made accused in the present case. Moreover, Counsel submits that the criminal antecedents of the petitioner are not clean, there are three criminal case pending against him in which he is on bail.

6. Learned APP for the State opposes the prayer for bail and submits that a report regarding present stage of the trial was called for. From the report, it transpires that charges have



been framed on 23.08.2024 and the case is presently fixed for prosecution evidence.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed** as well as on being satisfied by the trial court that the petitioner is not absconding in any of the cases which are pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I, Supaul, in connection with S.T. No. 214 of 2024, arising out of Kishanpur P.S. Case No. 132 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

8. Pending cases against the petitioner are as follows:-

- (i) Supaul P.S. Case No. 951 of 2013
- (ii) Jokihat P.S. Case No. 292 of 2016
- (iii) Shivan P.S. Case No. 114 of 2019

(Dr. Anshuman, J.)

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