

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24940 of 2022**

Arising Out of PS. Case No.-333 Year-2021 Thana- NAUTAN District- West Champaran

SIKANDAR SAH @ SIKANDAR KUMAR SAH S/o Late Saral Sah R/o
village- Khalwa Gahiri, P.S.- Nautan (Jagdishpur), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

4 23-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection with Nautan PS case no. 333 of 2021 instituted for the offences punishable under Sections 376/34 of the Indian Penal Code, Section 66-D of the Information Technology Act, 2000 and Section 4 of POCSO Act, 2012.

The case of the prosecution in brief is that the accused persons including the petitioner had raped the minor daughter of the informant and had then made video clip of the same, whereupon they started blackmailing the victim girl and under the threat of making the video viral, had continued



raping her. It is also alleged that the accused persons had subsequently made the obscene video of the victim girl viral.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 24.03.2022. The learned counsel for the petitioner, by referring to the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, has further submitted that the rape was committed by the co-accused person namely Saheb Sah, whose bail has already been rejected by a co-ordinate Bench of this Court vide order dated 19.09.2022, passed in Cr. Misc. 15214 of 2022 and as far as the petitioner is concerned, he has been alleged to have made a footage of the said incident, whereafter, he had made it viral, hence, the petitioner cannot be said to be the perpetrator of crime.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, this Court finds that the complicity of the



petitioner in the alleged occurrence is writ large from the records and even making a video footage of the alleged rape committed with the minor victim girl and then making the same viral is a disgraceful and heinous act, hence, I am not inclined to grant bail to the petitioner, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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