

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3129 of 2022

Arising Out of PS. Case No.-210 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

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Ranjeet Kumar Soni S/o Lalbabu Soni @ Lalbabu Rai Resident of Village -
Baniya Chapar, P.S. - Kuchaikote, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Opposite Party/s : Mr. Satya Nand Shukla

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

6 19-12-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Kuchaikote (Gopalganj) P. S. Case No. 210 of 2021,
registered for the offences punishable under Sections 376 of
the Indian Penal Code and Section 67 of the Information
Technology Act, 2000.

The prosecution story as emerges from the FIR is



that the informant with his old mother-in-law used to visit Customer Service Point (CSP) of SBI Bank, which was operated by the accused-petitioner. It is further alleged that the accused-petitioner took her photograph and used it for her black-mailing and also to make physical relationship with her.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the alleged victim is 36 years old married lady with four children and the accused-petitioner is 21 years old boy. He submits that in fact after acquaintance with each other, love developed between them and there was consensual relationship between the accused-petitioner and the alleged victim and there is no question of rape. He also refers to the statement of the alleged victim recorded under Section 164 Cr.P.C., as per which there is allegation of only one time relationship and there is no allegation that on account of threatening to make the photo of the informant viral, the accused-petitioner continued to commit rape upon her. Investigation in this case is complete



and charge-sheet has already been submitted. He also assures that the petitioner will cooperate in trial.

The petitioner has been languishing in jail since 25.05.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, the learned APP for the State and learned counsel for the informant vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is very serious in nature. They further submits that there is allegation of commission of rape on account of black-mailing to make the alleged naked photo of the alleged victim viral.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the Ld. A.C.J.M. VII, Gopalganj, in connection with Kuchaikote (Gopalganj) P. S. Case No. 210 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The Ld. Trial Court is directed to expedite the trial and conclude it as soon as possible without any delay.

The Superintendent of Police, Gopalganj is present and he is tendering apology for not sending the case-diary in time. He states that already he has set up Legal Cell to ensure that whenever requisition of case-diary by any State counsel, the case-diary should be supplied immediately. However, on account of lapse of some staff working in the Legal Cell, this lapse has been committed and therefore he has initiated departmental proceeding against the persons, who are found to be responsible for this lapse. He assures that in future there is no such lapse on the part of the police.

The Superintendent of Police, Gopalganj is exempted from personal appearance and his personal appearance stands dispensed with.



The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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