

I.A.-1/2025

(Sessions Trial No. – 377/24 arising out of Chhatapur PS Case No. 268/24)

Kundan Kumar, S/o- Late Babunand Mehta, R/o- Karharwa, Ward No.-8,
P.S.- Chhatapur, Distt.- SupaulPetitioner
Vs.

State of BiharO.P.

05/02/25

An interlocutory bail application, on behalf of petitioner Kundan Kumar, who is in custody since 25/08/24 in connection with Sessions Trial No. - 377/24, is pressed today for hearing. Petitioner in the instant case is facing charges for offence u/s 87, 69, 352, 351(2) of BNS and 67 of IT Act and the case is fixed for prosecution evidence.

Heard Mr. Md. Mushtaq Ahmad Advocate, learned counsel for petitioner and Sri Kamal Narayan Yadav, learned APP for the State.

Prosecution story as per the FIR lodged by informant XXXX, in brief, is that one Kundan Kumar was continuously talking with her over phone and used to coax her for marriage. It is alleged that on 31/07/24 at about 2:30 PM, the accused Kundan Kumar lured and took her to Nirmali and kept her in a rented premise, where he made physical relations with her on promise of marriage. After some days, when the informant denied from making physical relations, the accused threatened to make her photos viral and kill her husband. Thereafter, he forcibly made physical relations with the informant. FIR also alleged that informant somehow escaped from there on 18/08/24, but the said accused started threatening over phone to kill her husband.

Learned counsel for the petitioners submitted that the petitioner is quite innocent and has not committed any offence and has been falsely implicated in the case. It is submitted that earlier a regular bail petition, bearing B.A.-842/24, was filed on behalf of petitioner, but the same was withdrawn as the case was committed to the Court of Sessions and thereafter no other bail prayer on behalf of the petitioner has been filed in any court. He further submits that petitioner has no criminal history and he is not concern with the informant at all. It has been placed that charges have been framed against the petitioner and the case is fixed for prosecution evidence. It is further submitted that the petitioner is ready to furnish bail bonds to the satisfaction of court, wherefore, it is prayed that the petitioner be enlarged on bail.

On the other hand, the learned APP opposes the bail prayer of petitioner and prayed to reject the same.

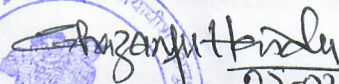
Heard and perused the case record including the FIR and the case diary. Allegedly, the petitioner made physical relations, amounting to rape, with the informant on false promise of marriage and also threatened to make her photos viral and kill her husband. It appears from perusal of case diary that informant in her restatement (para-3, u/s 180 of BNSS) and other witnesses in their respective statements (para-4, 5, 11, 12, 63, 64, 91 & 92) have supported the factum occurrence and involvement of petitioner therein. Statement of informant / victim u/s 183 of

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BNSS is contained in para-54 of the case diary, wherein she has specifically stated that the accused forcibly made physical relations with her and also made her obscene photos viral. On perusal of para-85, 101, 102, 105 & 109 of the case diary, it appears that the obscene pictures of informant / victim was made viral on social media site 'facebook' from the mobile number belonging to the petitioner. It further appears that charges for offence u/s 87, 69, 352, 351(2) of BNS and 67 of IT Act have been framed against the petitioner vide order dated 22/01/25 of this court and the case is pending for prosecution evidence.

In view of aforesaid discussion, this court is not inclined to enlarge the petitioner on bail. Accordingly, the bail petition filed on behalf of the petitioner, **Kundan Kumar**, stands Rejected.

Dictated

05-02-25
(GHAZANFER HAIDER)
ADDITIONAL SESSIONS JUDGE-I
SUPAUL

