

In the Court of Additional Sessions Judge-I, Supaul

I.A.-01/2024

(S.T. Case No.-214/2024 arising out of Kishanpur P.S. Case No. 132/23)

Sanjay Sah, S/o- Ganeshi Sah, R/o- Tharbitta (Near Railway Station),
P.S.- Kishanpur, District- Supaul
Petitioner

Versus

State of Bihar Opposite Party

Later
25/11/24

A regular bail petition filed on behalf of accused Sanjay Sah, who is in custody since 14/08/23 in connection with Kishanpur P.S. Case No. 132/23 u/s 376 of IPC and 66(E) of I.T. Act has been pressed today for hearing.

Heard Sri Shivendra Jha Advocate, learned advocate for the petitioner and Sri Kamal Narayan Yadav, learned APP for the State.

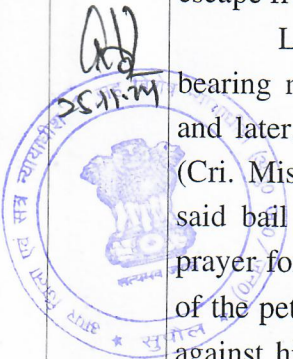
Prosecution case as per the FIR lodged by informant XXXX, in brief, is that she works at Belhi, Tharbitta where she came in contact with one fox-nut trader Sanjay Sah. It is alleged that the said person came to her house, some 6 months prior to the date of filing FIR, and raped her on gun-point and prepared video with the help of accused Sanjeev Sah. Thereafter, the accused Sanjay Sah put vermilion in informant's partings and assured to keep her as his wife, but after some time both the accused persons started blackmailing her by showing the said video. On 25/05/23, both the accused persons forcibly tried to make the informant vacate her house, which she resisted, but they started abusing and misbehaving with her. It is further alleged that the accused Sanjay Sah tried to strangle the informant and threatened her to escape from there.

Learned counsel for the petitioner has submitted that the regular bail petition, bearing number B.A.-922/23, was rejected by this court vide order dated 17/10/23 and later, the petitioner filed his bail application in the Hon'ble Patna High Court (Cri. Misc. No.-81977/202. However, the Hon'ble Court was pleased to reject the said bail prayer of petitioner vide order dated 05/03/24 with liberty to renew the prayer for bail after three months of framing of charge. He further submits that case of the petitioner was committed to the court of Sessions and charge has been framed against him vide order dated 23/08/24 of this court. It is also submitted that though the petitioner has criminal antecedent of three cases, but other co-accused person has been granted the privilege of anticipatory bail vide order dated 26/06/24 passed in Cri. Misc. No.-33446/2024 by the Hon'ble Patna High Court. It is also submitted that the petitioner is in custody since 14/08/23 and he is ready to furnish bail bonds to the satisfaction of court, wherefore, it is prayed that the petitioner be enlarged on bail.

Learned APP opposed the bail application and prayed to reject the same.

Heard and perused the case record. There is direct allegation against the petitioner for committing rape on the informant/victim by making false promises of marriage to her and it is also alleged that the petitioner has made video of said rape and he started blackmailing the informant. Informant in her restatement (para-2) and other witnesses in their respective statements (para-6, 7 & 8) have supported the

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factum of occurrence and also petitioner's role in committing said occurrence. It appears from perusal of case diary that the victim in her statements u/s 161 Cr.P.C. before the police (para-14) and also in her statement u/s 164 Cr.P.C. (para-17) supported her case against the petitioner alleging him to commit her rape and to make video of said occurrence. Para-76 of the case diary reflects that after finding the case true, the charge-sheet for offence u/s 376 of I.P.C. was submitted against the petitioner. The record also reflects that cognizance of offence against the petitioner and other co-accused u/s 376/34 of I.P.C. was taken by the learned court below vide order dated 23/11/23. Thereafter, the case was committed to the court of Sessions from where it has been received in this court for trial. It is also apparent that charges of offence u/s 376/34 of I.P.C. against the petitioner and other co-accused were framed by this court on 23/08/24 and the case is fixed for evidence.

So, in view of aforesaid discussion, this court is of the opinion that the accused petitioner has no fresh ground to be enlarged on bail.

Accordingly, the instant petition for bail on behalf of the petitioner **Sanjay Sah** stands **Rejected**.

Dictated



(GHAZANFER HAIDER)
ADDITIONAL SESSIONS JUDGE-I
SUPAUL