

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.1033 of 2016

Arising Out of PS.Case No. -225 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

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1. Murtuza son of Md. Mahmuddin Mian, resident of Village- Kesariya, P.S.-
Kesariya, District- East Champaran.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Chandra, Advocate

For the Respondent/s : Mr. Sadanand Paswan, Special PP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL JUDGMENT

Date: 19-12-2016

1. Heard learned counsel for the appellant as well as learned Special P.P
for the State

2. Present criminal appeal has been preferred against the order dated
26.10.2016 passed by Addl. Sessions Judge I, East Champaran at Motihari in B.P
no. 1725/2016 by which he rejected bail application of appellant who is accused
in Kesariya P.S. Case no. 225/2016.

3. It is alleged that the appellant took the informant who happens to be
member of scheduled caste community to his agency on the pretext to provide
document relating to gas connection and thereafter, he called one co- accused
Sudhir Kumar and at the instigation of the appellant, aforesaid Sudhir Kumar took
indecent photograph of the informant and subsequently, said co- accused Sudhir
Kumar and others started blackmailing the informant giving threat to publish the
aforesaid photograph on net.

4. Submission on behalf of the appellant is that even if the prosecution



story assumed to be true, then also, it was co- accused Sudhir Kumar and others who threatened and teased the informant showing her indecent photograph and so far as appellant is concerned, he has been implicated in this case as according to the prosecution case itself, the alleged occurrence took place inside the premises of gas agency of the appellant. It is further submitted that moreover, appellant is in jail custody since 4.9.2016 and investigation against him has already been completed but learned court below failed to take notice of the above stated facts.

5. Considering the aforesaid facts and circumstances as well as submissions of the parties, this criminal appeal is allowed and the impugned order 26.10.2016 passed by Addl. Sessions Judge I, East Champaran at Motihari in B.P no. 1725/2016 is, hereby, set aside.

6. Accordingly, appellant above named is directed to be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate East Champaran at Motihari in Kesariya P.S. Case no. 225/2016.

(Hemant Kumar Srivastava, J)

Shahid/-

AFR/NAFR	NAFR
CAV DATE	NA
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