

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26649 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -HUSAINGANJ District- SIWAN

- =====
1. Balindra Ram, Son of Late Bandhu Ram, resident of Village- Baghawani, P.S. Hussainganj, District- Siwan.
 2. Vivek Kumar Son of Kalicharan, resident of Village- Meerapur, Police Station- Siwan Muffasil, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-08-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Hussainganj P.S. Case No. 40 of 2017 instituted for the offence under Sections 354(A) (D), 420, 468, and 471 of the Indian Penal Code, Sections 66, 67(C) and 66(E) of I.T. Act.

It is alleged in the written report that petitioner No. 1 who is relative of petitioner No. 2, had put the photograph of the daughter of the informant on Internet, causing disgrace to the informant. It has further been alleged that petitioner No. 2 also gave threat of putting the photograph of the daughter of the informant on Facebook. He also misbehaved with her in the



village.

Case diary has been received.

The learned A.P.P. has submitted that statement of the victim girl recorded under Section 164 Cr. P.C. has been mentioned in paragraph-5 of the case diary wherein she has stated that she was working in the house of petitioner No. 1. He took her photograph to settle her marriage and gave the same to petitioner No. 2. Thereafter, petitioners made the photo viral on the mobile and petitioner No. 2 threw the photo of the daughter of the informant in front of house of the informant.

The Sessions Judge has mentioned in the impugned order that compromise has taken place between the parties.

From the statement of victim girl recorded under Section 164 Cr. P.C., it appears that there was talk of marriage between daughter of the informant and petitioner No. 2.

Learned counsel for the petitioner has submitted that since marriage has been broken, the instant case has been lodged against the petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Hussainganj P.S Case



No. 40 of 2017, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

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(Sanjay Priya, J)

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