

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25490 of 2017

Arising Out of PS.Case No. -49 Year- 2016 Thana -MAHILA PS District- GOPALGANJ

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1. Rupesh Kumar @ Rupesh Kumar Yadav, Son of Dhanraj Yadav,
2. Raju Yadav, Son of Dhanraj Yadav, Both Resident of Village- Shivsthan,
P.S.- Thawe, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Upendra Yadav

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-06-2017

Heard Mr. Upendra Yadav, the learned

advocate for the petitioner and learned APP for the State.

The petitioners are seeking regular bail in connection with Gopalganj Mahila P.S. Case No. 49 of 2016 registered for the offences alleged under Sections 354(B) and 506/34 IPC and Sections 66(a) (c) of I.T. Act.

The allegations as contained in the First Information Report would show that earlier a case under sections 341, 323, 354 and 506/34 IPC was lodged against the petitioner no. 1 and one Munna Kumar Yadav.

The present case has been lodged alleging that both the accused persons in the said case were threatening the father of



the informant to withdraw the said case and on 22.12.2016 one objectionable photo which was a doctored one by the present petitioner no. 1 and his brother was sent on the What's app through the mobile of petitioner no. 2. The allegations are also that the petitioners are indulged in character assassination of the informant.

Learned counsel for the petitioners would submit that these petitioners are aged about 22 and 21 years respectively and are students and the allegations against them of threatening and of character assassination as alleged are false and baseless. He would further submit that the petitioners may be given an opportunity to mend their ways and in future no such allegations will come against them.

Learned counsel for the informant opposed the prayer for bail and submitted that these petitioners have threatened the father of the informant and have also indulged in character assassination of the informant, hence they do not deserve the privilege of bail.

The petitioner no. 1 who is named in the earlier case has been granted bail by the learned Sessions Judge as informed by the learned counsel for the petitioners. In the present case the petitioners are in custody since 21.4.2017. Learned counsel for the



petitioners submits that both the petitioners are students of Engineering and postgraduate respectively.

Considering the fact that both the petitioners are students and they undertake not to indulge in any such activities as alleged and that they are ready to mend their ways, at this stage, I am inclined to grant regular bail to the petitioners, namely, (1) Rupesh Kumar @ Rupesh Kumar Yadav; and (2) Raju Yadav on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Gopalganj in connection with Gopalganj Mahila P.S. Case No. 49 of 2016; subject to the condition that one of the bailors will be a person from the family having clean antecedent and if any more prima facie case of threatening the informant or her family and/or trying to indulge in character assassination will be found against the petitioners, the privilege of bail granted by this Court would be cancelled by the court below or the informant may file an appropriate application for cancellation of bail.

(Rajeev Ranjan Prasad, J)

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