

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1850 of 2019

Arising Out of PS. Case No.-288 Year-2018 Thana- MOKAMAH District- Patna

=====

Raja Kumar, Son of Nanda Lal Ravidas Resident of Village - Mokamaghat,
P.S.- Mokama, Distt - Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Manoj Kumar Pandey
For the Respondent/s : Mr. Binay Krishna

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

8 16-11-2019 Heard learned counsels for the appellant and the

State.

The present appeal has been preferred by the appellant for setting aside the order dated 29.03.2019, passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, Patna, in A.B.A. No. 258 of 2019, whereby the prayer of anticipatory bail of the appellant has been rejected in connection with Mokama P.S. Case No. 288 of 2018 (Spl. Case No. 249 of 2018), registered for the offences punishable under Sections 376, 354 and 506 of the IPC, Sections 4 and 6 of the Protection of Children from Sexual Offences, Act, Section 2(v) of the SC/ST (Prevention of Atrocities) Act and Sections 67(a) and 67(B) of the I.T. Act.

The prosecution case is that on 23.12.2018 at about 8



P.M, 10-12 persons came at informant's door and conveyed him about obscene video of his daughter being circulated on the social media, thereafter the daughter of the informant conveyed that while she was going for tuition classes when she was being taken away on a car by co-accused, Ranjan Kumar and was administered some intoxicant by mixing the same in cold drink, as a result, she became unconscious and the co-accused, Ranjan Kumar recorded her obscene video. It has further been alleged that co-accused Ranjan Kumar, Pradumn Kumar, Manoj Kumar and the petitioner Raja Kumar used to demand some money for not circulating her obscene video on social media.

Learned counsel for the appellant submits that the mobile phone through which, the video was recorded and circulated on the social media has been found registered in the name of co-accused Vivek Kumar. A statement has been made in paragraph no.3 of the petition that the appellant is not having any criminal antecedent.

Learned counsel for the State, after going through the case diary, submits that though the thrust of accusation is against co-accused Ranjan Kumar, but the victim in her statement recorded under Section 164 Cr. P.C. has named the appellant also.



Considering the nature of accusation levelled against the appellant and the fact that the mobile phone, through which the video was recorded and circulated on the social media being found registered in the name of co-accused Vivek Kumar, and the appellant is having no criminal antecedent, the order dated 29.03.2019, passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act, Patna, in A.B.A. No. 258 of 2019, is hereby set aside and the appellant is directed to be released on anticipatory bail, in the event of arrest/surrender before the learned Court below within a period of 12 weeks from today, on furnishing the bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, SC/ST (Prevention of Atrocities) Act, Patna, in connection with Mokama P.S. Case No. 288 of 2018 (Spl. Case No. 249 of 2018), subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Accordingly, the present appeal stands allowed.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

