

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58938 of 2018

Arising Out of PS. Case No.-208 Year-2018 Thana- PIRBAHOR District- Patna

Niraj Kumar Nirala Son of Pradeep Kumar Resident of Pradeep Electricals
Main Road, Naurenga, Near Naurengapul , Patel Chowk, P.S. Town, District-
Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Nilam Kumari, D/o Rajendra Prasad Mandal, Resident of Samlapur, P.S. Jikhabari, Dist. Sahebganj, State of Jharkhand, at present PMCH Nursing Hostel, Room No. 158, P.S. Pirbohar, Dist. Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gouranga Chatterjee
For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 08-02-2019 Heard learned counsel for the petitioner and

learned counsel for the State.

In this case, the petitioner is apprehending his arrest in connection with Pirbahor P.S. Case No. 208 of 2018 registered for offences under sections 354, 323, 506 of the Indian Penal Code and u/s 66 of the Information and Technology Act.

As per allegation, the Informant lives in room no. 158 in the Nursing Hospital in P.M.C.H. On 14.4.2018, by making a forged identity, the present petitioner uploaded the indecent picture with abusing language. The allegation has been made that the victim knows the petitioner for 5 to 6 years and there was a negotiation for marriage. In the meantime, there were



many joint photographs but, he said that firstly he will enter into the marriage of his sister and then he will enter into marriage with her. After marriage of the younger sister of the accused, the father of the Informant has tried to negotiate the marriage but, he was not agreeable to that, whereafter, he started making distance with the victim girl and he used to talk to her hardly and threatened that if she will go away from him, he will upload all the indecent pictures of the Informant. On that account, she maintained silence. He started torturing physically and mentally saying that he will not enter into the marriage but, she will have to live like a wife and whatever he will say, she has to do the same.

Learned counsel for the petitioner submits that all the allegations made against the petitioner are wrong and concocted as the same are not supported by any material, documentary or oral and no one has given the date of uploading the photographs. The police has verified the mobile data but, did not find any wrong. The claim of the Informant is belied that she was the classmate of the petitioner whereas is senior by four class and was studying in the different college and the petitioner has been pursuing his study since 2010 in Haryana. The cause for lodging of the case is that electrical goods were supplied, when the time



was come for making payment, a false case has been lodged and the law does not hold the presumption against the petitioner in this case.

Learned counsel for the petitioner has appeared through her advocate and he has submitted that the petitioner has tortured and misbehaved with the Informant.

This Court had called for the case diary and from different paragraphs of the case diary, it appears that there was a relationship earlier with the girl but, due to some reason, the marriage could not be solemnized and, in the meantime, she qualified in the nursing test, pursuing her study at Patna Medical College & Hospital and has also made an allegation to have circulated the obscene photographs and uploaded the same.

Looking to the entire facts and circumstances of the case as also the nature of allegation made against the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected.

If the petitioner surrenders before the court below within a period of three weeks from today and prays for bail, the court below, without being prejudiced by this order, will take a



decision in accordance with law taking into consideration the materials available on record.

(Shivaji Pandey, J)

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