

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56004 of 2019

Arising Out of PS. Case No.-137 Year-2019 Thana- MIRGANJ District- Gopalganj

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1. Sujeet Kumar S/o Hare Ram Singh R/o village- Chhap, P.S.- Mirganj, District- Gopalganj
 2. Lal Saheb Singh S/o Radhe Shyam Singh R/o village- Chhap, P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh with Mr. Lokesh Kumar Singh, Advocates
For the State	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Kumar Kaushlendra, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-12-2019

Heard learned counsel for the petitioners; learned
APP for the State and learned counsel for the informant.

2. The petitioners seek bail in Mirganj PS Case No. 137 of 2019 dated 01.06.2019 instituted under Sections 354/506 of the Indian Penal Code, 3 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the 'POCSO Act') and 67A of The Information Technology Act, 2000 and later on Sections 4,13,14 of the POCSO Act have also been added.

3. The petitioners, along with three others, are accused of having taken obscene photographs of the niece of the



informant and sharing the same which were posted on social media.

4. Learned counsel for the petitioners submitted that the sections under which the FIR has been registered do not apply in the facts of the present case. It was further submitted that, at best, the allegation is that some photographs of the girl with the petitioners have been posted on the net but that would not be a reason for the petitioners to be accused of various sections under the Indian Penal Code and the POCSO Act. It was further submitted that the petitioners are in custody since 02.06.2019.

5. Learned APP and learned counsel for the informant, on the basis of the case diary, submitted that even if it is accepted that the relationship between the petitioners and the girl may be consensual but having taken photographs which were totally private, the same having been shared and being posted on the social media is serious enough as it damages not only the reputation of the girl concerned but the entire family, which is of a permanent nature.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on bail.



7. Accordingly, the application stands dismissed.

8. The Court has been informant that the petitioner no. 2 has filed another case being Cr. Misc. No. 63680 of 2019, which is pending before a coordinate bench. However, it was informed that the coordinate bench has already called for a report from the office with regard to the same. As the present case has been filed prior to the other case, this Court would not go into that aspect in view of the fact that the coordinate bench has already initiated action in the matter.

(Ahsanuddin Amanullah, J)

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