

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2721 of 2020

Arising Out of PS. Case No.-3 Year-2019 Thana- MAHILA PS District- Darbhanga

NITISH KUMAR ROY @ NITESH KUMAR ROY Son of Late Mahavir Roy
Resident of Village - Mabbi, P.S. - Mabbi O.P. Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Gagan Deo Yadav, Adv.
For the State	:	Mr.Suresh Prasad Singh, APP
For the Informant	:	Mr. Baidyanath Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-06-2020 Heard Mr. Gagan Deo Yadav, learned counsel for the petitioner, Mr. Suresh Prasad Singh, learned Additional P.P. for the State and Mr. Baidyanath Thakur, learned counsel for the informant through Video Conferencing.

The petitioner seeks bail in Mahila P.S. Case No.3 of 2019 registered under Sections 376 and 506 of the Indian Penal Code.

The informant(victim) alleged that her husband had gone outside the village for his livelihood. In the month of October, 2017, her step brother-in-law(the petitioner) mixed some intoxicating substance in her food and made her naked and videographed. The petitioner is alleged to have blackmailed his sister-in-law and also exploited her sexually. In the month of



January, 2018, the informant informed her husband but her husband convened a panchayati instead of lodging the F.I.R. The petitioner is said to have admitted his fault and executed a bond not to commit such offence in future. He also assures to delete the photographs but the petitioner did not delete the photographs and in the month of December, 2018, the petitioner is alleged to have threatened the informant to make the video viral. Thereafter, the informant lodged the case.

The learned counsel for the petitioner submits that petitioner is step brother of the husband of the informant. There is bonafide land dispute between the petitioner and husband of the informant. The petitioner filed an informatory petition on 16.02.2018(Annexure-3). The petitioner had come before this Court for grant of anticipatory bail but his anticipatory bail was rejected on the ground that process under Section 82 and 83 were exhausted and petitioner had already been declared absconder. The court below was directed to verify the statement but the learned court below did not verify the facts and rejected the petition of the petitioner. It is further submitted that petitioner is in jail since 07.11.2019 in a false and concocted case and, therefore, petitioner deserves bail.

Mr. Baidyanath Thakur, learned counsel for the



informant and Mr. Suresh Prasad Singh, learned A.P.P. vehemently opposed the prayer for bail and submitted that trial has already begun and only two witnesses are left to be examined. At the fag end of the trial, the petitioner does not deserve bail. It is submitted that petitioner has got criminal antecedent and he is in accused in Kotwali P.S. Case No.223 of 2009 registered under Section 420 and 406 of the Indian Penal Code.

Perused the F.I.R. and the case diary. It appears that for the first time, the petitioner is alleged to have videographed the naked photo of the wife of his own step brother and thereafter the petitioner is alleged to have continued sexually relations with the victim but the victim never raised any hue and cry. The victim is admittedly a major married lady. For the first time, the victim disclosed this fact to her husband in the month of January, 2018 and a panchayati was convened but even thereafter the matter was not reported to the police. The prosecutrix lodged this case only on 07.01.2019. It appears that there is a land dispute between the petitioner and the husband of the informant. The petitioner happens to be own step brother of the husband of the informant.

Considering the facts aforesaid, let the petitioner,



above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Darbhanga in connection with Mahila P.S. Case No.3 of 2019.

(Prabhat Kumar Jha, J)

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