

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80907 of 2019**

Arising Out of PS. Case No.-75 Year-2019 Thana- SUGAULI District- East Champaran

NANHE BABU @ SAHABUDDIN MIYAN, Son of Rafik Miyan, Resident
of Village- Chatiya, P.S.- Areraj, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER**

3 01-07-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

In the background of existing relationship there was an offer at the end of the petitioner of marriage and in the aforesaid background, developed physical intimacy. During course thereof, he had snapped naked photograph of the victim and began to blackmail. When the prosecution party did not oblige the petitioner by way of paying Rs.3,00,000/-, the naked photograph has been put on Whats App lowering her prestige.

Learned counsel for the petitioner has submitted that under para 10 of the bail petition he has already mentioned the fact that the informant was married with Afroz Miyan @ Aarash Miyan of village Pakhnaha Bazar on 25.03.2016 who divorced her in the year 2017 and, since thereafter the informant lured



him to marry but, as the petitioner declined her offer got this case filed with false and frivolous allegation. Apart from this, it has also been submitted that from the written report itself it is evident that there was no false promise/deception in procuring consent of physical relationship. Therefore, prolonged continuance did justify the prayer for anticipatory bail.

Learned Additional Public Prosecutor opposed the same. How the petitioner had behaved, what intention he was carrying during the whole episode is found duly exposed from the fact that he had put the naked photo of the informant on the Whats App after having failed to squeeze money. That being so, the petitioner does not deserve anticipatory bail.

Accordingly the prayer for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J)

skpathak/-

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

