

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.84444 of 2019**

Arising Out of PS. Case No.-255 Year-2019 Thana- RAMGARH District- Kaimur (Bhabua)

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KRISHNANAND PATHAK @ KRISHNA PATHAK Son of Late Durga Pathak Resident of Village- Akhauripur Chausa Gola, P.S.- Chausa, Distt.- Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 27-05-2020 This application has been placed for consideration by the order of the Hon'ble the Chief Justice through virtual court proceeding.

This application for grant of regular bail has been filed on behalf of the sole petitioner in connection with Ramgarh P.S. Case No. 255 of 2019 registered for the offences punishable under Sections 354(C) , 504, 506 of the Indian Penal Code and Sections 67(a), (b), (I), (ii), (iii), (iv) of the I. T. Act.

It is the case of the petitioner that he has been falsely implicated in this case by the informant because of the prior enmity between the family of the widow brother of this petitioner and the informant. It is stated that the petitioner's sister Manorama Kunwar had filed a Complaint Case No. 312 of 2009 in which the informant's family has been convicted by the



court below and an appeal is pending. In this regard reliance has been placed on Annexure '2' which is a copy of the Complaint Ccase No. 312 of 2009.

It is further stated that in one another case filed by the brother-in-law of Manorama kuar who is the petitioner's sister, against the informant's husband and others this petitioner is one of the witnesses. The petitioner has stated that the present case has been lodged against him by way of a retaliation as he is no way concerned with the viral photo of the informant.

Mr. Mithilesh Khare, learned APP for the State has submitted that the petitioner is an accused of making viral a naked photo of the informant. However, it is an admitted position that the petitioner is in custody in connection with this case since 22.10.2019.

Considering the facts and circumstances of the case, the materials available on the record indicating that the sister's family of the petitioner and the informant of this case are fighting cases against each other and it is the submission of the petitioner that because of the same he has been falsely implicated as he was living with his widow sister in her village as also that the petitioner has got no criminal antecedent and he



is in custody since 20.10.2019 and it is not the submission of the State that the release of the petitioner is likely to adversely affect the trial or in any way interfere with the course of justice, let this petitioner above named be released on bail in connection with Ramgarh P.S. Case No. 255 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction learned Additional Chief Judicial Magistrate-I, Kaimur at Bhabua, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that they will abide by and observe the guidelines and directives of the Government of



India and the State Government with regard to COVID-19
Pandemic during the lockdown period. The authorities
concerned shall take appropriate steps to ensure such
observance prior to and after release of the petitioners.

This application stands disposed of.

(Rajeev Ranjan Prasad, J)

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