

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 34759 of 2020

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

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Sujeet Kumar, aged about 21 years, Male, Son of Hare Ram Singh, Resident of Village-Chhap, PS-Mirganj, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Pandey, Advocate
For the State : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 10-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ranjeet Kumar Pandey, learned counsel for the petitioner and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Mirganj PS Case No. 137 of 2019 dated 01.06.2019, instituted under Sections 354 and 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 (hereinafter referred to as the



‘IT Act’) and later on Sections 4, 13, 14 of the POCSO Act have also been added.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 18.12.2019 passed in Cr. Misc. No. 56004 of 2019.

5. The allegation against the petitioner is that he and another co-accused had taken objectionable photographs of the niece of the informant which was shared by the petitioner with his friends and all were threatening her to put that on social media and make it viral.

6. Learned counsel for the petitioner submitted that as per the FIR itself, it was only threat to make video viral but the video was never made viral and further the girl herself has not made any complaint as she was in love affairs with the petitioner and that is why her uncle has filed the case and not even her parents. Learned counsel submitted that the petitioner and the other accused were studying together and because the family did not approve of the relationship, the petitioner and his friends have been falsely implicated in the present case. Learned counsel submitted that after investigation, the police have submitted charge sheet under Sections 354(A)(D) and 506 of the Indian Penal Code; Section 8/12 of the POCSO Act and Section 67 of the



IT Act and the maximum punishment is three years and the petitioner has been in custody since 02.06.2019. It was further submitted that co-accused have already been granted bail.

7. Learned APP submitted that the main allegation is against the petitioner as he claims to be in love affairs and only he could have taken the photographs and by sharing it with his friends and threatening the girl, it is clear that he is guilty of the offence alleged.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-Ist, Gopalganj in Mirganj PS Case No. 137 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail



bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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