

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.33009 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- NALANDA District- Nalanda

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Munir @ Mustaque, aged 21 years (male), S/o Shamsher Alam, Resident of
Village-Juafar Bazar, Police Station-Nalanda, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the State : Mr. Anant Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 27-01-2021

Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner and Mr. Anant Kumar, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with
Nalanda PS Case No. 41 of 2020 dated 04.04.2020 (G.R. No. 1742
of 2020), instituted under Sections 354A/354B/504/506/323/34 of
the Indian Penal Code and 66E/67A of The Information
Technology Act, 2010.

3. The allegation against the petitioner is that he had got
into physical relationship with the daughter of the informant and



had also made video of the same which was made viral by co-accused Md. Arman.

4. Learned counsel for the petitioner submitted that in the statement before the Court under Section 164 of the Code of Criminal Procedure, 1973, the age of the victim is disclosed as 19 years which means that she was major and, thus, the physical relationship was consensual. It was further submitted that even with regard to the video of the physical relationship being made viral, the same is against co-accused and not the petitioner. On a query of the Court to learned counsel as to why the video was made in the first place, and how co-accused got the same, learned counsel submitted that the video was made with consent and the co-accused, who is his friend, might have stolen it from his mobile. It was submitted that the petitioner has no criminal antecedent and is in custody since 05.04.2020.

5. Learned APP submitted that the petitioner having got into physical relationship had videographed the act and even if it was with the consent of the victim, the same could not have been shared with co-accused Md. Arman.

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 petitioner on bail, for the present.



7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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