

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3242 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- OBRA District- Aurangabad

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Azhar Ansari @ Md. Azhar Ansari S/o Islam Ansari @ Md. Islam Ansari
Resident of Village- Harina, P.S.- Obra, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 21847 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- OBRA District- Aurangabad

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Nitish kumar Son of Umesh Singh R/o village - Harina, P.S.- Obra, District -
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 3242 of 2022)

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Binod Kumar

(In CRIMINAL MISCELLANEOUS No. 21847 of 2022)

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Obra

P.S. Case No. 221 of 2021, registered for the offences

punishable under Sections 420, 505, 34, 341, 323, 354 (B),

354(C), 354(D), 504, 506, 509 and 34 of the Indian Penal



Code and 66(E), 66(D), 67, 67(A) of I.T. Act and 8/12 of POCSO Act.

The prosecution case as emerging from the FIR is that petitioner, namely, Nitish Kumar created a fake Facebook account and posted obscene photos and videos of the informant. Allegation of affixing the photos on the pole is also there.

The learned counsel for the petitioner, namely, Azhar Ansari submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. Even as per further statement of the informant, his case stands on better footing than that of Kundan Kumar and Luvkush Kumar who have already been enlarged on bail by a co-ordinate Bench of this Court.

The learned counsel for the petitioner, namely, Nitish Kumar submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that even in the FIR, the petitioner is not named as accused and only as improvement, his name has transpired in further



statement of the accused which is not reliable. He also submits that investigation in this case is complete and charge-sheet has already been submitted. However, he is not sure whether charge is framed or not.

It is also stated in paragraph no. 2 of the petition that the petitioners have not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner, namely, Azhar Ansari has no criminal antecedent whereas the petitioner, Nitish Kumar has earlier been made accused in one more case.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioner, namely, Azhar Ansari, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Concerned Court Below in connection with Obra P.S. Case No. 221 of 2021 on the conditions given hereunder.



However, petitioner, namely, Nitish Kumar, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Concerned Court Below in connection with Obra P.S. Case No. 221 of 2021 **after framing of charge, if not already framed** on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners 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.

(iv) In case, it is brought to the notice of the court



below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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