

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8846 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- KHIJARSARAI District- Gaya

Lallu @ Rahul Kumar S/o Ramkrit Singh R/o village- Paharpur, P.s.-
Khijarsarai, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Yadav, Advocate
For the Informant	:	Mr. Manish Kr. No.2, Advocate
	:	Mr. Gajendra Kumar Singh, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 25-07-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset learned counsel for the petitioner
submitted that in paragraph no.3 of the bail petition,
inadvertently, ‘Muradpur’ has wrongly been typed as
‘Emadpur’.

Hence, learned counsel for the petitioner is permitted
to make necessary correction in paragraph no.3 of the bail
petition during the course of the day itself.

The petitioner seeks bail in connection with
Khizarsarai P.S. Case No. 198 of 2021 registered for the offence



under Sections 341, 323, 354, 504 and 506 of the Indian Penal Code and Sections 66(E) and 67 of the I.T. Act.

The accused/petitioner is named in the F.I.R. and is in custody since 01.11.2021.

The allegation against the petitioner is to outrage the modesty of daughter of the informant by taking objectionable photographs, subsequently, uploaded on social media through facebook.

Learned counsel appearing on behalf of the petitioner submitted that the allegation is based upon local differences, wherein suspicion has been raised about the petitioner to commit the present offence. It is submitted that the entire allegation is based upon electronic evidence, but chargesheet has been submitted without obtaining the mandatory certificate as contained in Section 65B of Indian Evidence Act. It is pointed out that petitioner is involved in one another case of difference nature, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, opposes the prayer of bail.



Considering the facts and circumstances as mentioned above, as chargesheet has been submitted without obtaining the mandatory certificate as contained in Section 65B of the Indian Evidence Act coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khizarsarai P.S. Case No. 198 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Gaya/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical



ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Ankit Kumar, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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