

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14887 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- MAHILA PS District- Aurangabad

Pintu Kumar Pal @ Guddu Pal @ Guddu Kumar Pal, aged about 26 years, Gender-Male, Son of Ramraj Pal, Resident of Village - Poli, P.S.- Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sandhya Kumari, aged about 42 years, Gender-Female, Wife of Vinay Kumar Tiwari, Resident of Village - Amba, P.S.- Amba, District - Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Informant	:	Mr. Pramendra Kumar Singh, Advocate
For the State	:	Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 05-09-2022 Heard Mr. Krishna Prasad Singh, learned senior counsel assisted by Mr. Bhaskar Shankar, learned counsel appearing on behalf of the petitioner, Mr. Pramendra Kumar Singh, learned counsel appearing on behalf of the informant and Mr. Sanjay Kumar Singh, learned A.P.P. for the State.

Petitioner, who is in custody since 25.01.2022, seeks regular bail in connection with Mahila P.S. Case No. 41 of 2021 registered for offences punishable under Sections 376 and 506 of the Indian Penal Code.

Prosecution story in brief is that informant, who is the victim has made allegation against the petitioner that on false



assurance of marriage she was forced to establish sexual relationship with the petitioner. To blackmail the informant, petitioner had also taken objectionable photographs of the informant and had made it viral on social media.

Learned counsel appearing on behalf of the petitioner submitted that no such incidence has ever taken place. The informant is married lady having young daughter. A false allegation has been made against the petitioner because the petitioner at the time of entering into an agreement for taking shop belonging to the husband of the informant on rent had deposited security deposit of Rs. 1,20,000/-. The petitioner had vacated the said shop and seized to be tenant of the husband of the informant. Since the security deposit was demanded by the petitioner, the husband of the informant refused to return it back which lead to the filing of the F.I.R. on false accusation. In course of investigation, the Investigating Officer has not collected any material to prima facie establish the allegation made in the F.I.R. that the petitioner had taken objectionable photographs of the informant on the pretext of marriage. It is further submitted that the informant has 19 years old girl and 'annexure-2' which has been brought on record shows that petitioner was having relationship of tenants with her husband,



who was the owner of the shop rented to the petitioner. The objectionable photograph was handed over to the Investigating Officer by the informant herself as would appear from paragraph no. 84 of the case diary. In course of investigation, the Investigating Officer has not been able to collect any material to show that the petitioner has made objectionable photograph of informant viral on social media. Charge-sheet has already been submitted. Petitioner is in custody since 25.01.2022. On these grounds, petitioner seeks to be released on bail.

Mr. Pramendra Kumar, learned counsel appearing on behalf of the informant submitted that from the very perusal of the allegations made in the F.I.R., prima facie case is made out against the petitioner. Charge-sheet has already been submitted against the petitioner for committing offence under Sections 376 and 506 of the Indian Penal Code. The petitioner had made objectionable photographs of the informant viral on social media which would appear from paragraph no. 84 of the case diary where the Investigating Officer has recorded that the informant had provided him objectionable photographs.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



Having perused the allegation which has been made against the petitioner by the informant, who is a married lady and having 19 years old daughter that on false assurance of marriage, the petitioner has established sexual relationship with her. The materials which have been collected in course of investigation do not support the allegation that the objectionable photographs captured by the petitioner were made viral by him on social media. The said allegation is not supported by any of the witnesses that they have received such objectionable photographs on their whats-app, Instagram or on Facebook. The photographs which have been collected by the Investigating Officer was provided by the informant herself which would appear from paragraph no. 84 of the case diary. Charge-sheet has already been submitted. Prima facie petitioner has made out a case to be released on bail.

The Court below is directed to released the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Aurangabad in connection with Mahila P.S. Case No. 41 of 2021 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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