

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35651 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- JAGDISHPUR District- Bhagalpur

1. Md. Rajjak @ Abdul Rajjak, aged about 66 years, Male, Son of Mumtaz, Resident of Village - Puraini Dakshin Tola, P.S.- Jagdishpur, Dist.- Bhagalpur.
2. Gulsafa @ Gulsafa Begum, aged about 36 years, Female, W/o Md. Tarikh, Resident of Village - Puraini Dakshin Tola, P.S.- Jagdishpur, Dist.- Bhagalpur.
3. Md. Chand, aged about 32 years, Son of Md. Rajjak, Male, Resident of Village - Puraini Dakshin Tola, P.S.- Jagdishpur, Dist.- Bhagalpur.
4. Md. Chotu @ Md. Iftekhar, aged about 35, Son of Md. Rajjak, Male, Resident of Village - Puraini Dakshin Tola, P.S.- Jagdishpur, Dist.- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Madan Mohan, Advocate
For the Opposite Party : Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of petitioner no. 3, namely, Md. Chand, as he has been taken into judicial custody in connection with Jagdishpur P.S.



Case No. 17 of 2021, pending in the court of learned C.J.M.,
Bhagalpur.

Permission is accorded.

Accordingly, the present anticipatory bail application
filed on behalf of the petitioner no. 3, namely, Md. Chand, is
dismissed as withdrawn.

Now the petitioner nos. 1, 2 and 4 are apprehending
their arrest in connection with Jagdishpur P.S. Case No. 17 of
2021 for the offence registered under Sections 341, 323, 504,
506/34 of the I.P.C. and 67(A) of the I.T. Act.

The prosecution story, in brief, is that one co-accused,
namely, Md. Sadman made viral the nude photographs of the
minor niece of the informant and gave threatening that if
complain is lodged then he would implicate in land dispute. The
petitioner nos. 1, 2 and 4 and others came at the house of the
informant and hurled abuses to the ladies of the house and said
that they would made viral other obscene photograph and said
that if they do something then they would be implicated.

It has been submitted by learned counsel for the
petitioner nos. 1, 2 and 4 that they have got no criminal
antecedent. There is no allegation of tampering with the
witnesses alleged against them. They have been made accused



in the present case due to mistake of fact. The main allegation of circulating nude photographs of the niece of the informant is against co-accused, namely, Md. Sadman. As far as petitioner nos. 1, 2 and 4 are concerned, they are family members of the said co-accused who have got no concern with the co-accused, namely, Md. Sadman.

On behalf of the State, it is submitted that the petitioner nos. 1, 2 and 4 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 1, 2 and 4 above named, (except petitioner no. 3, namely, Md. Chand) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur, in connection with Jagdishpur P.S. Case No, 17 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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