

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24686 of 2022

Arising Out of PS. Case No.-97 Year-2020 Thana- KATRA District- Muzaffarpur

Md. Sahzad, Son of Md. Iliyas, R/o Village- Sakri, P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Begum, Wife of Md. Sahzad, D/o Md. Suaib, At present R/o Village- Dhubali, P.S.- Katra, District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel appearing on behalf of the petitioner and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Katra P. S. Case No. 97 of 2020 registered for the offences punishable under Sections 498A, 506, 120(B)/34 of the Indian Penal Code and Section 67 of the I.T. Act.

As per the prosecution case, it is alleged that the informant came to know that his husband and other co-accused



persons snapped a nude picture of her and made it viral on facebook under a conspiracy. It is further alleged that along with the said photograph of the informant, they have also given her mobile number as also of her family members and for the last three years this petitioner has been repeatedly given threatening to make the picture viral.

Learned counsel appearing on behalf of the petitioner submits that in fact no specific allegation has been levelled against the petitioner, rather a general and omnibus allegation has been levelled against all the family members. It is next submitted that from the F.I.R it is evident that the informant was residing in her Maika for the last three years and there had been no relationship between the husband and wife in the said period. It is further submitted the petitioner, who happens to be husband, is still ready to keep the informant as his wife with all honour and dignity, but it is the informant, who refused to live with him, as is evident from the impugned order also. It is next submitted that this petitioner is in custody since 26.10.2011 and moreover, the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned counsel for the State opposes the bail application and submits that there is specific



allegation against this petitioner that he along with other family members made the photographs of the informant viral in the public platform and the incidence is very serious in nature.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation levelled against all the family members and the petitioner, who happens to be the husband of the informant, is in custody since 26.10.2021 and moreover, the investigation of the crime is completed and the offence is triable by the Magistrate, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Muzaffarpur in connection with Katra P. S. Case No. 97 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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