

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43940 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- MAHILA P.S. District- Araria

PAWAN BHAGAT Son of Late Gauri Shankar Bhagat Resident of Training
School Chowk, Ward No. 21, Pokhar Basti, P.S.- Forbesganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 01-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Araria (Mahila) P.S. Case No. 57 of 2021, for the offence
punishable under Sections 354(A), 354(C), 506, 509/34 of the
Indian Penal Code and Section 67 (A) of the Information
Technology Act.

The prosecution case, in brief, is that earlier the
informant had lodged Mahila P.S. Case No. 41 of 2021 for the
offence punishable under Section 498-A of the Indian Penal
Code against her husband, namely, Anurag Sah for making
allegation of torture, harassment and dowry. In present case the



informant has alleged that the petitioner, who is the friend of her husband had taken her nude photographs and uploaded on social media and started blackmailing the informant by making demand of having physical relationship. It is further alleged that the petitioner used to torture the informant by sending vulgar messages at the instance of the informant's husband and threatened to withdraw the compliant filed before the Mahila Police Station.

Learned counsel appearing on behalf of the petitioner submits that there is no allegation of sexual harassment against the petitioner, rather, the allegation, at best, against the petitioner is that his mobile has been used in preparing/sending objectionable video on the mobile of informant after intoxicating her. He further submits that, in fact, informant was involved in several cases relating to excise matters and she was even found in six cases in intoxicated condition. He submits that allegation against petitioner cannot be sustained that the husband of informant himself will indulge the present petitioner to prepare objectionable video against his own dignity. The petitioner is innocent and he is in custody since 22.05.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that such illegal act of



the petitioner is highly objectionable in public interest and society. This is a case in which petitioner has sedated the victim and prepared objectionable video, which was objected by the informant and as such petitioner does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, without going into the merits of the case taking into the period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Chief Judicial Magistrate-V, Araria in connection with Araria (Mahila) P.S. Case No. 57 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

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

(3) 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.



(4) 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 bonds.

(Purnendu Singh, J)

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