

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47877 of 2021

Arising Out of PS. Case No.-235 Year-2021 Thana- BEUR District- Patna

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Soni Kumari W/o Anil Kumar, D/o Ravinder Nath Resident of M.I.G.
Hanuman Nagar, P.S. - Patrakar Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha, Advocate.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-06-2022 Heard Mr. Sushil Kumar Jha, learned counsel for the

petitioner and Mr. Pawan Kumar Chaurasia, learned Additional

Public Prosecutor for the State.

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

The petitioner apprehends her arrest in connection
with Beur P. S. Case No. 235 of 2021 registered for the offences
punishable under Sections 504, 506 and 509 of the Indian Penal
Code and Section 15 (1)/15(2) of the Protection of Children
from Sexual Offences Act and Section 67 (B) of the Information
Technology Act.

As per the prosecution case, it is alleged that the
informant has three children, two daughters and one son. On



22.05.2020, she received a whatsapp message wherein morphed photograph of her daughter was sent, in which she has been shown as half naked. It is also alleged that threatening was also given that the photograph would go viral.

At the outset, learned counsel for the petitioner submits at the bar, on the instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

Learned counsel appearing on behalf of the petitioner submits that from bare perusal of the F.I.R., it is evident that the said along with the photograph was sent through whatsapp on 22.05.2020 and the present F.I.R. has been instituted on 25.05.2021 after delay of one year and no explanation, whatsoever, has been given with regard to delay in lodging of the F.I.R. It is further submitted that except the exchange of whatsapp message no overt act involved in the instant case in as much as during the course of the investigation nothing has come which substantiate the allegation that the said photograph has ever been made viral on the social media. It is further submitted that both the informant as well as the petitioner are known to each other and on account of some trivial issue the morphed photograph of her daughter was sent but later on, when on



account of some issue, relationship went bitter between them, the present F.I.R. has been instituted. It is lastly submitted that this petitioner has got clean antecedent and she is ready to give undertaking that she will not indulge in such type of act in future and will co-operate in the investigation.

On the other hand, learned Additional Public Prosecutor for the State opposes the bail application and submits that such kind of incidence is rampant in the society and as such, the petitioner does not deserve the privilege of anticipatory bail.

Having considered the submissions made on behalf of the parties and taking into account the delay of one year in lodging of the F.I.R. without any explanation in as much as except the F.I.R. no other material has come, which suggests the fact that the photograph, in question, has ever been made viral on social media in as much as considering the fair antecedent and her undertaking, let the petitioner, above named, be released on bail, in the event of her arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bonds of Rs. 20,000/ (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum-Special Judge, POCSO Act, Patna or his



successor in connection with Beur P. S. Case No. 235 of 2021,
subject to the conditions as laid down under Section 438 (2) of
the Code of Criminal Procedure with following conditions:-

- (i) One of the bailors should be the close relative of
the petitioner.
- (ii) The petitioner will co-operate in the investigation
as well as in conclusion of the trial.
- (iii) She will not try to tamper with the evidence or
intimidate the witnesses in course of
investigation or during the course of trial.

(Harish Kumar, J)

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