

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48141 of 2022**

Arising Out of PS. Case No.-44 Year-2020 Thana- KAMTAUL District- Darbhanga

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SUNIL JHA Son of Lakshmi Narayan Jha R/V- Shrikhandi Bhitha More, P.S-
Sursand (Bhitha More O.P), Dist- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-12-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by the Stamp Reporter

within two weeks from today.

Heard Mr. Iqbal Asif Niazi, learned counsel for the
petitioner and Mr. Akhileshwar Dayal, learned APP for the
State.

The petitioner in the present case is seeking regular
bail in connection with Kamtaul P.S. Case No.44 of 2020
registered for the offences under Sections 354(D), 376, 504 and
506/34 of the Indian Penal Code and Sections 65 and 67 of the
I.T. Act. He is in custody since 13.06.2022. He has no criminal
antecedent.

As per the prosecution story, the informant was
employed as a receptionist at Hotel Chanakya Management



College, Dharbhanga. She came in contact with the son of this petitioner who was staying in the said college. She alleged that the son of this petitioner namely Vikas Jha had taken her to Darbhanga where he sexually exploited her, took her photographs and thereafter some time he was talking well but some time he was blackmailing and abusing her after consuming liquor. She claims that the son of this petitioner was talking to her on the mobile numbers given in the FIR. The informant left her job and started living at her house. It is alleged that again for last three months the son of the petitioner was calling her to Raipur even without solemnizing marriage with her. He has threatened that if she would not come there, he would not marry her and would blackmail her. At this stage, it is alleged that she disclosed these facts to her family and to the father of the said boy (the petitioner) but instead of convincing his son, the father of the boy started threatening and abusing her and he talked roughly with the father of the informant.

Learned counsel for the petitioner submits that on a bare reading of the FIR it would appear that the informant is an adult and she had allegedly developed her relationship with the son of this petitioner on her own volition. There is no role of this petitioner at the time of building of relationship between his



son and the informant. At this stage, there is no allegation that this petitioner had ever been instrumental in the matter of sexual exploitation, the informant never disclosed this to the petitioner or her family and at this stage she is alleging that this petitioner, instead of convincing his son has threatened and abused the informant.

It is submitted that so far as this petitioner is concerned, he has only been falsely implicated being father of the boy. The petitioner is in custody since 13.06.2022 and has no criminal antecedent.

Learned APP for the State has though opposed the prayer for bail of the petitioner but in the given facts and circumstances of the case where there is no allegation of commission of any overt act against the petitioner, he has been implicated in this case only on the allegation that he has not convinced his son in favour of the informant, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of Smt. Sanjana Gandhi, Judicial Magistrate, 1st Class, Darbhanga in connection with Kamtaul P.S. Case No.44 of 2020, subject to the condition as laid down under Section 437



(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application is allowed.

Certified copy of this order will be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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