

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63511 of 2021**

Arising Out of PS. Case No.-127 Year-2020 Thana- GOH District- Aurangabad

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SAGAR KUMAR @ MANGAL KUMAR S/o Santosh Yadav @ Santosh Kumar Yadav Resident of Village- Bipra, P.S.- Goh, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-05-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP for the State.

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

Petitioner, who is in custody since 10.08.2021, seeks regular bail in connection with Goh P.S. Case No. 127 of 2020 dated 05.09.2020 registered for offences punishable under Sections 354 B, 504/506 of the Indian Penal Code and Section 66D/67 of I.T. Act.

Prosecution story in brief is that petitioner used to work with the informant in Delhi. He got mixed with the family of the informant. He got acquainted with the informant's daughter and had clicked joint photograph and posted it on



whatsapp of Gopal Prasad and on the facebook with an intention to break the marriage of informant's daughter with the proposed groom by making the photograph viral.

Learned counsel appearing on behalf of the petitioner submits that at the best it can be said that the petitioner was infatuated with the daughter of the informant. There is no allegation of any sexual assault to have been committed or he had outraged the modesty of the daughter of the informant. He further submits that petitioner is ready to furnish undertaking before the Court below that he will not indulge in such illegal and immoral act in future if he is released on bail on any terms and conditions as imposed by this Court. Petitioner is in custody since 10.08.2021 and has clean antecedent.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made in the FIR, period of custody and the specific submission made on behalf of the petitioner that the petitioner will file a specific affidavit before the Court below with an undertaking that he will not indulge in any such immoral activity against the daughter of the informant or any female known to him or unknown female in future. If such affidavit is filed before the Court below, the



petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Daudnagar, Aurangabad (Bihar) in connection with Goh P.S. Case No. 127 of 2020 dated 05.09.2020 subject to the following conditions:

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

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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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