

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64775 of 2021

Arising Out of PS. Case No.-165 Year-2021 Thana- BABUBARHI District- Madhubani

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ALOK KUMAR @ HARIOM SAHU Son of Sri Sachidanand Sahu Resident
of Village - Toriyahi, P.S.- Lalmaniya (Daukaha), Distt.- Madhubani.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Jyoti Kumari D/o Sri Upendra Roy Resident of Village - Parwtiya Tola,
P.O.- Pirhi, P.S.- Babubarhi, Distt.- Madhubani.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

A supplementary affidavit has been filed on behalf of
the petitioner, which is kept on record.

Heard learned counsel for the petitioner and learned
APP for the State in virtual Court proceeding.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 354(C), 509, 506 of the
Indian Penal Code and Sections 66(E),67(A) I.T.Act.

The prosecution case, in short, is that the informant
stated in her written petition that after marriage and also prior



marriage, petitioner sending her objectionable photos and massages from his mobile No.9996187764. She also stated in her written petition that petitioner also sending objectionable photo and massages on the mobile of her husband for creating friction between wife and husband. She also stated that when her father went to the house of the petitioner for asking the parents of the petitioner they abused her father.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner has committed no offence. He further submits that the statement of the victim was recorded under Section 164 Cr.P.C. He further submits that the informant and petitioner have compromised and they have filed joint petition in the Trial Court, stating therein that they did not want to contest the case further. He further submits that the victim was examined and she has deposed in the learned Trial Court on 07.04.2017 and she informed the learned court that she does not want to contest the present case further. Petitioner is in custody since 25.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.



Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Babubarhi Police Station Case No.165 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors must be the informant of this case.

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 step 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.

(Rajesh Kumar Verma, J)

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