

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66126 of 2021

Arising Out of PS. Case No.-799 Year-2021 Thana- ARARIA District- Araria

MD. AASIF Son of Md. Tauhid Resident of Village- Surjapur Ward No. 15,
P.S.- Araria, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 19-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Araria P.S. Case No. 799 of 2021 for the offences under
Sections 354(A) and 354(D) of the Indian Penal Code and
Section 376 of the Indian Penal Code was added.

The allegation in the FIR is that the local villagers
caught hold of the petitioner herein and handed over to the
police. When the informant came to know about the incident,
she inquired the matter from her daughter whereafter it was
revealed that her married daughter had physical relationship
with the petitioner herein. He used to blackmail her. When the



victim girl asked him to tie nuptial knot, he threatened her of dire consequences and also of making the video viral. The victim lady has also made a statement under Section 164 of the Cr.P.C. supporting the prosecution case.

Learned counsel for the petitioner submits that it was a consented physical relationship between a married lady and the petitioner herein and although the informant has alleged of black-mailing and threatening her and making the video viral, no such video was ever recovered/seized by the police. Thus negating the allegation made in the FIR, he further submits that for the said alleged relationship with the lady in question, he has already suffered by being in jail since 12.09.2021 (as stated in paragraph-23 of the bail application)

Taking into account the fact that the charge sheet stands submitted and the petitioner is in custody since 12.09.2021, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 799 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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