

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9366 of 2023

Arising Out of PS. Case No.-53 Year-2022 Thana- MAHILA P.S. District- Sheikhpura

Sunny Kumar Son of Debu Singh @ Devendra Singh Resident of village-
Sabaura, P.S.- Barauni, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
26.12.2022, in connection with Sheikhpura (Mahila) P.S. Case No.
53 of 2022, F.I.R. dated 05.09.2022 registered for the offences
punishable under Section 292, 506, 385 of the Indian Penal Code
and Section 67(A) of the I.T. Act.

The prosecution case, in brief, is that before the
informant's marriage, she has an affair with one boy namely
Sunny Kumar but after marriage with one Manikant Singh she
separated her relationship before three year with him. It is
further alleged that the said Sunny Kumar started threatening to
the informant with mobile nos. 8051818226, 7275000579 and
8405009642 and told that you come with me and give ten lakhs
either I will defame you and also giving threatening to kill her. It
is further alleged that the the accused petitioner has posted dirty



photo through social media to her relatives and also giving pressure for sex and her matrimonial life is disturbed for her and she is in mental tension and may take bad step in near future.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact previously the informant was love affair with the petitioner and after the marriage with one Manikant Singh the informant is living in her matrimonial house and the petitioner also performed marriage with his wife and they have also living with his wife. He further submits that the allegation as alleged in the F.I.R. is false and even the mobile number as mentioned in the F.I.R. does not belong to the petitioner and as per video is concerned, till date no scientific report is available on record to suggest that the petitioner is involved in the present occurrence. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.12.2022.

Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

In view of the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sheikhpura, in connection with Sheikhpura (Mahila) P.S. Case No. 53 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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.

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(Rajesh Kumar Verma, J)

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