

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31807 of 2023

Arising Out of PS. Case No.-201 Year-2022 Thana- GAMAHARIYA District- Madhepura

Ashish Kumar, Son of Vijendra Yadav @ Bijendra Yadav, resident of Village-
Itwa Ward No 5/3, P.S. -Gamhariya, District -MADHEPURA

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advo

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Gamhariya P.S. Case No. 201 of 2022 registered for the offence
under Sections 354 (D), 384, 506 of the Indian Penal Code and
Section 67B of I.T. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.11.2022.

The allegation against the petitioner is to take
objectionable photographs of informant/victim aged about 18
years after developing friendly relation and also to raise a
demand for ransom.



Learned counsel appearing on behalf of the petitioner submitted that as per narration of the FIR, it appears that both informant/victim and petitioner were known to each other and developed friendly relation in due course of time. It is submitted that out of said friendly relation, some joint photograph was obtained which was not objected by informant/victim being major at the time when it was captured. It is also submitted that entire allegation is based upon electronic evidence for which a mandatory certificate is required under Section 65B of the Indian Evidence Act, which was not collected from Service Provider during the course of investigation. Charge sheet has been submitted without obtaining the same. While concluding the argument, it is submitted that investigation of this case is completed, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as charge sheet in this case submitted without the mandatory certificate as obtained under Section 65B of Indian Evidence Act, where narration of the FIR suggest friendly relation between the parties, where petitioner is in custody since 07.11.2022, accordingly, petitioner above named, is



directed to be released on bail in connection with Gamhariya
P.S. Case No. 201 of 2022 on furnishing bail bond of
Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like
amount each to the satisfaction of learned A.C.J.M.-II,
Madhepura/concerned Court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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