

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36197 of 2022

Arising Out of PS. Case No.-28 Year-2021 Thana- MAHILA PS District- Katihar

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AZHAR NISHAD SON OF AFSAR ALI R/O- DHACHNA, P.S.- BARSOI,
DIST.- KATIHAR, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Aggrawal, Sr. Advocate
		Ms. Preety Kunwar, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Radha Mohan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 18-01-2023 Heard learned Senior counsel for the petitioner,

learned A.P.P. for the State and learned counsel for the

informant.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 376D and 506
of the Indian Penal Code and section 66E of the Information
Technology Act, 2000.

As per the prosecution case, the informant states that
his daughter was given an intoxicated drink by the petitioner. He
established physical relations with her, took photographs in
objectionable position and on the threat of making the same
viral, started extorting money from her as narrated in detail in
the F.I.R.



It is submitted by learned Senior counsel appearing for the petitioner that the petitioner has been falsely implicated in the case. For an occurrence alleged to have been committed in the year 2019, for no good reason the F.I.R. was registered after a delay of 2 years. No material has transpired in course of investigation about any photograph having been made viral. The petitioner is in custody since 13.4.2022 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant.

It is submitted by learned counsel for the informant that not only there is direct allegation against the petitioner in the F.I.R. but the same has been supported in detail by the victim in her statement under section 164 Cr.P.C. (Annexure-2). It is further submitted that as per instructions received charges have been framed in the learned trial Court under section 376D and other sections of the Indian Penal Code and also under different sections of the I.T. Act.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, the contents of the detailed statement of the victim under section 164 Cr.P.C. (Annexure-2) wherein she has made direct allegations against



this petitioner of having spiked her cold drink, having made objectionable videos, taken inappropriate photographs, of having circulated the same on whatsapp and on which blackmail started, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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