

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46216 of 2022

Arising Out of PS. Case No.-97 Year-2022 Thana- GORAUL District- Vaishali

RAM NATH SHARMA SON OF RAMANAND SHARMA R/O VILLAGE-
AKHTIYARPUR SEHAN, P.S.- GORAUL, (KATHARA O.P.), DIST.-
VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mauli Chaurasia, Adv.
For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 31-01-2023 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Goraul (Kathara O.P.) P.S. Case No. 97 of 2022, G.R. No. 990 of 2022, registered for the offence punishable under Sections 341, 323, 292, 376, 504, 506 of the Indian Penal Code read with Section 66(E) of the I.T.Act, 2000.

The allegation is regarding the petitioner having visited the house of the informant on couple of occasions, had practiced black magic & is stated to have cured the child of the informant, however, subsequently, he had developed intimate relationship with the informant, whereafter he had made her obscene videos and



had taken her obscene photographs, which were subsequent made viral. It is further alleged that the petitioner had established physical relationship with the informant on the pretext of marrying her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 3.3.2022. The learned counsel for the petitioner has further submitted that the petitioner is already married and is having three children apart from the informant being also married, hence, the act in question, as alleged, can, at best, be stated to be consensual in nature and since the petitioner and the informant are consenting adults, the petitioner can not be stated to be having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that the victim girl has supported the



allegations made in the FIR, in her statement made under Section 164 Cr.P.C., before the learned Magistrate and has submitted that the petitioner had enticed her and on the pretext of marrying her, had established physical relationship with her, whereafter he had snapped her nude photographs and made it viral, hence, no sympathy may be shown towards the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that both the petitioner and the informant are consenting adults and the informant is also stated to be married having children, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Vaishali at Hajipur in connection with Goraul (Kathara O.P.) P.S. Case No. 97 of 2022, G.R.No. 990 of 2022.

(Mohit Kumar Shah, J)

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