

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51033 of 2023

Arising Out of PS. Case No.-20 Year-2023 Thana- RAJGIR District- Nalanda

Udeshya Kumar Son Of Mithlesh Yadav @ Mithilesh Kumar Resident Of
Village - Lilabigha, P.S. - Warsaliganj, Distt. - Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Bijendra Yadav Son Of Shri Arjun Yadav Resident Of Village - Tetar Bigha,
P.S. - Rajgir, Distt. - Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manisha Prakash, Advocate
For the Informant	:	Mr. Pravin Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 17-08-2023 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with POCSO Case No. 08 of
2023 arising out of Rajgir P.S. Case No. 20 of 2023 dated
15.01.2023 registered for the offences punishable u/s 376 of the
Indian Penal Code, section 4/14 of the POCSO Act and section
66 E of the I.T. Act.

4. As per the prosecution case, the petitioner is alleged



to have taken the photograph of the minor daughter of the informant by enticing her and morphed the same with his photograph in different objectionable poses and the same was went viral on social media by the petitioner which defamed his daughter and his family as well.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has further submitted that the victim in her statement recorded under section 164 of the Cr.P.C. has stated that the photograph was made viral on 09.08.2022 but in the FIR the informant stated that the said photograph was made viral on 13.11.2022. Learned counsel has further submitted that the informant wanted to marry his daughter to the petitioner but he failed and due to that he lodged the present case. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 11.02.2023.

6. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond



of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Bihar Sharif, Nalanda in connection with POCSO Case No. 08 of 2023 arising out of Rajgir P.S. Case No. 20 of 2023, with the following condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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