

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54912 of 2023

Arising Out of PS. Case No.-26 Year-2023 Thana- THAKRAHA District- West Champaran

PAPPU NISHAD S/O LATE RAMVIDESHI NISHAD R/O VILLAGE-
MOTIPUR, P.S- THAKRAHA, DISTT.- WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel
appearing on behalf of the petitioner and Mr. Surendra Prasad
Singh, learned A.P.P. for the State.

2. The petitioner apprehend his arrest in connection
with Thakraha P.S. Case No. 26 of 2023, dated 11.04.2023,
registered under Sections 376, 354C, 506 of the Indian Penal
Code and Section 67, 67A of the I.T. Act.

3. The prosecution case, in brief, is that Informant
namely Chandani Devi alleged that one Pappu Nishad took her
mobile number and called her. Pappu Nishad used to talk her
erotically and showing the fear made obscene videos. On
20.03.2023 at 12:00 pm. Pappu Nishad came to her house and
committed rape with her by showing the fear that he would
publish the videos on social media. On the next day informant
narrated the whole story to her husband. While informant's



husband asked about the occurrence, Pappu Nishad threatened to give him Rs.50,000/- otherwise he would publish the obscene videos of informant on social media. Due to non fulfillment of demand of extortion of Pappu Nishad, he sent the obscene videos of informant to her husband's mobile number on 21.03.2023. On the basis of written statement of informant, the instant case has been registered.

4. Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in the present case. The petitioner was having relationship with the informant and her husband. The specific allegation against the petitioner is that he had transmitted the photograph and some obscene video on the Whatsapp of the husband of the informant Mobile No. 9099329871, the same is not sustainable in absence of any report from Whatsapp Company as well as the Cyber Cell. The informant has admitted that she had outside marriage relationship with the petitioner while her husband was working in Goa. The petitioner has clean antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation made in the



F.I.R. as well as the admitted fact that informant and petitioner having outside marriage relationship while the husband of the informant working in Goa. The allegation of making some obscene video and photograph viral is contrary to the allegation made in the F.I.R. The petitioner has clean antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sri Pramod Kumar, J.M., Ist Class, Bagaha, West Champaran in connection with Thakraha P.S. Case No. 26 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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