

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55301 of 2022

Arising Out of PS. Case No.-1346 Year-2021 Thana- COMPLAINT CASE District- Araria

Md. Masoom Reza @ Md. Masoom, Son of Md. Masood, R/V- Farsadangi,
P.S.- Joki Hat, Dist- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Madni, Wife of Abdul Rahman, R/V- Farsadangi, Ward No. 5, P.O and
P.S- Joki Hat Dist- Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Uday Bhanu Roy, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-02-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Kumar Uday Bhanu Roy, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Complaint Case No. 1346 (C) of 2021
registered for the offence punishable under Sections 354 B,
354C/34 of the Indian Penal Code and Section 67 (A) of the I.T.
Act.

The prosecution case is based on a complaint case



filed by the complainant alleging therein, that her husband mostly resides outside to earn livelihood and in his absence, the petitioner started teasing her, however, she always ignored his conduct. It is alleged that the complainant used to visit at PDS shop of the petitioner to get PDS grain, however, he continuously stalking her and also caught her and prepared some objectionable videos and after giving threat to make the video viral, he established physical relationship. It is further alleged that this petitioner also threatened the complainant that if she will disclose this fact to anyone, her video would be posted on social media otherwise, to satisfy his lust. Later on the videos and photographs were posted on social media.

Learned counsel appearing on behalf of the petitioner submits that from the complaint, it would be evident that the complainant is major married lady and in fact it was a consensual relationship which later on, on account of protest made by the family members, resulted into filing of the present complaint. He next submits that subsequent to filing of this complaint, one FIR has also been instituted against the petitioner on same set of allegation giving rise to Araria Mahila P.S. Case No. 118 of 2021 registered for the offences punishable under Section 376, 506/34 of the Indian Penal Code and



Sections 67 and 67 (A) of the I.T. Act, 2000, however, in the said case, the petitioner has been allowed bail by this Court in Cr. Misc. No. 31330 of 2022 vide order dated 18.01.2023. He next submits that save and except the aforesaid FIR, the petitioner has not been found involve in other criminal case and now he is in custody since 23.03.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that serious allegation has been levelled against the petitioner and the enquiry witnesses have also supported the complainant case.

Regard being had to the submissions made on behalf of the parties and considering the fact that the relationship was for the last one year before filing of the complaint and, prima facie, it appears the same was consensual relationship apart from the fact that in the subsequent case lodged on same set of facts, he has been allowed bail by this Court, let the petitioner, named above, be released 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 Md. Gulam Rasul, Judicial Magistrate 2nd Class, Araria in connection with Complaint Case No. 1346 (C) of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner



with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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