

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57279 of 2023

Arising Out of PS. Case No.-126 Year-2023 Thana- BAUNSI District- Banka

SARFUDDIN ANSARI SON OF ROJAN ANSARI RESIDENT OF
VILLAGE BENA MOHANPUR, POLICE STATION BOUNSI, DISTRICT
BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard Mr. Ajay Mukherjee, learned Counsel for the
petitioner and learned APP for the State.

The petitioner is an accused in connection with
Bounsi P.S. Case No. 126 of 2023 registered for the offences
under sections 376 and 354(B) of the Indian Penal Code and
section 67 of I.T. Act lodged on 07.05.2023 by the informant,
Anjum Ara.

As per the prosecution story, the allegation in the FIR
is that the petitioner was having illicit relationship with the
informant and in the process, allegation is that her videos and
photographs were made and later the same was sent to the
mobile phones of the villagers. Accordingly, the FIR.

Learned Counsel for the petitioner submits that both



the petitioner and the informant are 50 years old, he does not deny the relationship, it was consented.

Further only to make the allegation graver, the videos and photographs theory have been incorporated. A categorical statement made in paragraph 10 that neither any such photographs or videos are there with the petitioner nor he sent the same to any villager and during investigation, no one has come forward to support this fact that the photos or videos of the lady was sent to the mobile of any villager.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he was having illicit relationship with the informant, made videos, photographs and later sent to the villagers on their respective mobiles.

After hearing both the parties, perusing the facts on record, the categorical statement of the petitioner that no such photographs and videos is/are on record, accepting the said version, the informant has not denied illicit relationship with the petitioner, he is in custody since 04.07.2023 (as stated in paragraph 4 of the bail application) and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

However, if it is found that the statement made in paragraph 10 regarding no such, presence of videos or



photographs is/are wrong, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Bounsi P.S. Case No. 126 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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