

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63328 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- MAHILA PS District- Gaya

AAKARSH ANMOL @ RISHU Son of Ajay Khatri Resident of Village -
Goh (Bus Stand), P.S.- Goh, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Priya Ranjan, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-02-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Mahila P.S. Case No.74 of 2022 registered for the offences punishable under Sections 354(C), 354(D) of the Indian Penal Code, Section 12 of the POCSO Act and Sections 67 and 67(A) of the IT Act.

As per the prosecution, the informant (victim) alleged that this petitioner took obscene photographs of the victim and threatened to upload the photographs on the internet or social



media platforms.

The main submissions advanced by the learned counsel Mrs. Priya Ranjan for the petitioner are that the FIR itself shows that the alleged obscene photographs were procured by the petitioner from victim's own mobile phone and there was no allegation that the petitioner used his own mobile phone to click the obscene photos of the victim and admittedly the petitioner was a renter in the house of the informant and there was some dispute regarding the payment of rent and the so-called victim continued to take tuition despite having committed the alleged occurrence by this petitioner from the very beginning which also shows that there was consent on the part of the victim herself. Further submission is that as per the FIR the petitioner had sent the obscene photos of the victim on 11.08.2022 at the mobile phone of her father but the FIR was lodged on 23.08.2022 after inordinate delay regarding which there is no explanation. Further submission is that the alleged offences of IPC mentioned in the FIR are bailable and the offences of IT Act are not applicable in this case and the petitioner has been languishing in jail since 24.08.2022 and he is a young boy having fair and clean antecedent.

Learned APP Mr. Ram Sumiran Rai appearing for the



State has opposed the bail prayer.

In view of the facts, as stated above, and mainly the petitioner’s young age and his clean antecedent, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Mahila P.S. Case No.74 of 2022.

(Shailendra Singh, J)

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