

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9364 of 2024

Arising Out of PS. Case No.-20 Year-2023 Thana- Cyber P.S. District- Begusarai

Shashi Bhushan Kumar Son of Mr. Mahendra Prasad R/o vill - Barauni Flag,
P.S. - Teghra, Dist. - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Khushi Kumari D/o Amit Kumar R/o vill - Rahatpur, P.S. - Balia, Dist. - Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Mr. Vaishnavi Singh, Adv.
For the informant	:	Mr. Kumar Sameer, Adv.
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 09-07-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Cyber P.S. Case No. 20 of 2023 dated 30.08.2023 registered for the offences punishable u/ss 323, 327, 354A, 354C, 354D, 376, 292A, 468, 469, 471 of the Indian Penal Code, Sections 66, 66C, 66E, 67, 67A, 67B of the Information Technology Act and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences (POCSO) Act.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the



informant after making her obscene photographs and videos when she was 16 years old. The petitioner also threatened the informant that if the said fact was disclosed to anyone then all the videos would go viral which would bring shame to the victim and her family. In the year 2019, the petitioner told the informant that he would delete her nude photo and video if she would say that her father has established physical relationship with her. The informant purchased flat in the year of 2021 at Patna where the petitioner used to come and do wrong with her. In the year of 2021 to 2022, the petitioner told her to put vermilion and the petitioner took her photographs. Hence, due to this fear she did not disclose it to anyone. It is further alleged that the petitioner created a facebook account in the name of the informant and from the said account he used to post her photo to several persons. In the year of 2023, the said matter was disclosed by her to her father.

4. 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 petitioner has purchased flat in Patna in the year 2021 and in the sale deed, the present informant is also a witness and the copy of deed of absolute sale is annexed at Annexure-4. It is further



submitted that the wife of the petitioner started demanding her share in the ancestral property, the informant and her father pressuring the petitioner to transfer the flat in Patna in their name as well as an amount of Rs. 50 lacs in lieu of transferring the ancestral property in her name which was denied by the petitioner and his wife resulting in lodging of the present false case. Learned counsel has further submitted that the petitioner has no concern with the alleged offence. The victim is a major girl aged about 22 years in the year of 2019. The instant F.I.R. has been lodged on 30.08.2023 against the petitioner after 4 and 1/2 years when she attained majority in the year of 2019. It is further submitted that both the parties chose to have physical relationship of their own consent. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 15.09.2023.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner. The petitioner is said to be phupha of the victim.

6. 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, Begusarai in connection with Cyber Case No. 20 of 2023with the condition :-

(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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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