

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14343 of 2024

Arising Out of PS. Case No.-211 Year-2023 Thana- KISHANPUR District- Supaul

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Durganand Kumar Yadav SON OF RAJ KUMAR YADAV @ RAJ KUMAR
YADAV @ GOLHAY RESIDENT OF VILLAGE- GAURAVGADH WARD
NO. 6, PS- SUPAUL, DIST- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh, Adv.

For the Opposite Party/s : Mr.Nirmala Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 07-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kishanpur P.S. Case No. 211 of 2023 dated 12.09.2023 registered for the offences punishable u/ss 376 and 506 of the Indian Penal Code and u/s 66 of the I.T. Act.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant and also captured her obscene photographs and videos and started blackmailing her. On being objected by the informant for this act, the petitioner threatened to shoot her brother and other family members due to which she could not



inform her family members. It is further alleged that the petitioner has made obscene photographs and videos of the informant and got it viral on social media sites.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The medical board has assessed the age of the victim is 19 to 21 years and she is a major girl. It is further submitted that the petitioner has no concern with the alleged offence. Learned counsel has further submitted that the victim girl and the petitioner chose to have physical relationship with their own will. Learned counsel for the petitioner placed reliance on the judgment in the case of **Mandar Deepak Pawar Vs. State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022)** in which “a distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broken and a breach of promise which is made in good faith but subsequently not fulfilled”. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 13.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

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, Supaul in connection with Kishanpur P.S. Case No. 211 of 2023 with the condition/s:-

(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 prosecution will be at liberty to move for cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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