

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48776 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- CHORAUT District- Sitamarhi

Vikash Sharma, aged about 20 years (Male), S/o- Bechan Sharma, R/O Village- Parigama, P.S.- Choraut, Dist- Sitamarhi.

... .. Petitioner

Versus

1. The State of Bihar.
2. Brahamdeo Das, son of Late Chalitar Das, R/V- Parigama, P.S.- Choraut, Dist- Sitamarhi.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Ashok Kumar Jha, Advocate
For the Informant	:	Mr. Ritesh Kumar Narain Singh, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 24-09-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Choraut P.S. Case No. 155 of 2023 dated 02.11.2023 registered for the offences punishable under Sections 341, 323, 500, 504, 506/34 of the I.P.C., 67 of the I.T. Act, Section 8 of the POCSO Act and Sections 3(r)(s)(w) of the SC/ST (POA) Act.

3. As per the prosecution case, the petitioner snapped some obscene photo of the informant's minor daughter and made the same viral on the *Facebook* through his mobile and defamed by tarnishing his image in the society. When he went to the house of the petitioner then the petitioner and his family



members abused and assaulted him by calling his caste name and the petitioner threatened personally and through different mobiles that he would kill his daughter after tarnishing his prestige.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is general and omnibus allegation against the petitioner. There is no specific allegation against the petitioner. It is further submitted that the date of occurrence with respect to making the snaps viral and subsequently on 07.10.2023 the informant went to the house of the accused persons, has not been mentioned in the F.I.R. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 04.06.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant has further submitted that the petitioner snapped some obscene photo of the informant's minor daughter and made the same viral on the *Facebook* through his mobile and defamed by tarnishing the image of the informant in the society. When he inquired the matter, the petitioner and the co-accused persons abused and



assaulted him.

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 Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Sitamarhi in connection with Choraut P.S. Case No. 155 of 2023 with further 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 bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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