

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61295 of 2023

Arising Out of PS. Case No.-233 Year-2022 Thana- SAHPUR District- Bhojpur

Tinku Yadav @ Tinku Singh Son Of Janardan Yadav Village- Shobhi Tola, Po
And Ps- Shahpur, Dist- Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Anu Kumar Daughter Of Harendra Prasad Resident Of Shobhi Tola Po And
Ps Shahpur, Dist- Bhojpur Pin Code- 802165

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Malti Kumari, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-03-2024 Heard Ms. Malti Kumari, learned counsel for the

petitioner and Mr. Bharat Bhushan, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Shahpur P.S. Case No. 233 of 2022, F.I.R. dated
01.07.2022 for the offences punishable under Sections 376,
354(B), 354(C), 354(D), 493, 504 and 509 of the Indian Penal
Code and Sections 66 and 67 of the I.T. Act, 2008.

3. According to prosecution case, this petitioner being
a married person cheated the informant and sexually harassed
her on pretext of marriage. It is further alleged that the petitioner
blackmailed the informant by making her video viral.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. She further submits that in fact, the petitioner is a married person and the informant wants to marry the petitioner and when he refused from doing the same then the informant filed the present F.I.R against the petitioner. She further submits that it appears from the F.I.R that the informant is major and apart from that there is no material available on record which suggests that such occurrence has taken place and even the statement of the victim recorded under Section 164 of the Cr.P.C. has not been recorded as yet.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it appears from the F.I.R that the informant is major and fairly submits that there is no medical report available on record or in the case diary which suggests that any such occurrence has been taken place and apart from that there is no statement of victim available on the record.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned Additional Chief Judicial Magistrate 1st Bhojpur, Ara in connection with Shahpur P.S. Case No. 233 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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