

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65332 of 2024

Arising Out of PS. Case No.-41 Year-2024 Thana- MAHILA P.S. District- Muzaffarpur

Mukesh Kumar Yadav S/o- Bhulawan Rai @ Bhupendra Rai Village- Anant
Karja P.S.-Karja Dist- Muzaffarpur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Pallavi Kumari D/O- Sanjay Singh, Gavsara, P.S- Karja, Distt- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the O.P. No.2	:	Mr. Sheo Kumar Prasad, Advocate
For the State	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 320-11-2024
1. Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. Petitioner seeks regular bail in connection with Mahila P.S. Case No. 41 of 2024 dated 05.06.2024, registered for the offences punishable under Sections 341, 323, 384, 385, 419, 420, 509, 504, 506 of the Indian Penal Code & Sections 66A, 66D and 66C of the I.T. Act.

3. As per the prosecution, Pallavi Kumari (informant) stated that about 4-5 years ago, the petitioner forcibly applied Chandan (used in prayers and rituals) and clicked a picture in order to portray it as a proof of their marriage. The petitioner, thereafter, started harassing the informant for money and also to make physical relation with her and on refusal, he threatened to



circulate the said photo. After the informant got a job in a Bank, she used to send an amount of Rs. 10,000/- to the petitioner but when she stopped to do the same, the petitioner came to her workplace and assaulted her and also assaulted on her way back home. On 28.05.2024, the petitioner circulated the said photo through a fake I.D. prepared by him of her brother Vishal Kumar, thus, the informant lodged an FIR on 05.06.2024.

4. The main submissions advanced by learned counsel for the petitioner are that all the allegations levelled against the petitioner in the FIR are totally false, in fact, there was a money transaction in between the petitioner and informant's father who had taken Rs. 1,99,000/- from the petitioner in the name of the marriage of the so-called victim but later on did not return the said amount and then the petitioner gave a legal notice to the victim's father vide Annexure-2 and thereafter filed a case in the court of A.C.J.M.-I, Muzaffarpur against the informant, victim and informant's son vide Annexure-3 and thereafter with an intention to create pressure upon the petitioner the FIR of the instant matter was falsely lodged. It is further submitted that it is an admitted position that in making the so-called victim's photo viral, the I.D. of the victim's brother was used and not of the petitioner and in this



regard Cyber expert's report is relevant.

5. On the other hand, Mr. Sheo Kumar Prasad, learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submitted that the petitioner used to harass the informant's daughter and before the registration of the FIR of the present matter, he had earlier misbehaved and harassed the informant's daughter for which two criminal cases bearing Kazi Mohammadpur. P.S. Case No. 451 of 2023 and Karja P.S. Case No. 372 of 2023 were registered by the victim herself and during the investigation, some independent witnesses who worked with the victim in the Bank, where the victim is working, supported the allegation of misbehaving and the petitioner, not only on the way but also in the victim's office, harassed her and in this regard, the statements of the said witnesses may be perused.

6. Mr. Binod Kumar No.3, learned APP for the State has also opposed the bail prayer of the petitioner.

7. Considering the seriousness of the allegation particularly the constant harassment allegedly committed by this petitioner with the informant's daughter as appears from the FIR and the statements of the witnesses mentioned in paragraph nos. 8, 9, 54 and 59 of the case diary and also taking into account the



two criminal cases which were earlier lodged by the victim against this petitioner almost with similar nature of allegation which shows that the petitioner used to harass the informant's daughter, in my opinion, it is not a fit case for bail to the petitioner at this stage. Accordingly, his prayer stands rejected.

8. Petitioner may renew his bail prayer after recording the victim's evidence by the trial court, if the victim is not produced before the trial court within two months from the date of framing of charge then the petitioner may also renew his bail prayer.

(Shailendra Singh, J)

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