

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73462 of 2023

Arising Out of PS. Case No.-221 Year-2023 Thana- HILSA District- Nalanda

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DHANESH KUMAR Son of Late Kameshwar Prasad @ Tunni RESIDENTS
OF VILLAGE PARWALPUR REDI POLICE STATION HILSA DISTRICT
NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 05-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Hilsa P.S. Case No. 221 of 2023 registered under Sections
341, 323, 354/34 of the Indian Penal Code and Sections 66(E)
and 67 of the I.T. Act. lodged on 17.04.2023 by the informant,
Satish Kumar.

As per the prosecution story, the informant alleged
that this petitioner made a video of his sister viral and when this
was complained, they were abused by the family members.
Accordingly, the FIR.

In this case, a co-ordinate Bench had called for case
diary on 28.11.2023 which has since been received and this



Court has gone through the paragraph-55 of the case diary, according to which the mother of the victim girl stated that the girl has been married and they do not want her statement to be recorded. In paragraph-44 and 46 of the case diary also, the police has recorded the same fact that despite notice the victim girl has not appeared.

Learned APP for the State opposes the prayer for bail and submits that the allegation is of putting the video of the girl on site.

Though, the allegation is grave, no such video is available nor the victim girl has come forward to make her statement as recorded on the above paragraphs, an FIR has been lodged and he will be facing the trial, this Court is inclined to grant him privilege of anticipatory bail.

Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, Nalanda in connection with Hilsa P.S. Case NO. 221 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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