

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83953 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Vikash Kumar S/O Gurudev Choudhary R/O Village-Simri (WARD No.11),
P.S-Simri Bakhtiyarpur, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Chaudhary, Sr. Advocate Mr. Raj Kumar, Advocate Mr. Aksha Ankit, Advocate
For the Opposite Party/s :		Mr. Yogendra Kumar, APP
For the Informant	:	Mr. Kanchan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-02-2024 Heard Mr. Ashok Kumar Chaudhary, learned senior

counsel for the petitioner, Mr. Kanchan Jha, learned counsel
appearing on behalf of the informant as well as and Mr.
Yogendra Kumar, learned Additional Public Prosecutor for the
State.

2. The petitioner is apprehending his arrest in
connection with Simri Bakhtiyarpur P.S. Case No. 181 of 2023,
F.I.R. dated 15.04.2023 for the offences punishable under
Sections 385, 447, 341, 323, 354, 354(D), 379, 504, 506/34 of
the Indian Penal Code.

3. According to prosecution case, this petitioner
tortured and threatened the informant's daughter in order to



fulfill his demand otherwise he will made her photographs viral on social media.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He 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. In fact, the petitioner was in love with the daughter of the informant and due to this reason the petitioner and other accused persons have been made accused in this present case. He further submits that as per the allegation in the F.I.R, the petitioner has made the photographs of the daughter of the informant viral but it has come during investigation that no such photograph of the daughter of the informant was available on the social media.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in the paragraph no. 60 of the case diary that due to Case No. 181 of 2023 the petitioner has not made the photographs of the daughter of the informant viral.

6. Considering the aforesaid facts and circumstances



that the petitioner has clean antecedent and the allegations against the petitioner is not found true against the petitioner, 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 Chief Judicial Magistrate, Saharsa in connection with Simri Bakhtiyarpur P.S. Case No. 181 of 2023, 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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