

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84634 of 2024

Arising Out of PS. Case No.-234 Year-2024 Thana- SIRDALA District- Nawada

Rishu Kumar S/o Upendra Prasad R/o Village- Rabiyo, P.S.- Sirdalla, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Advocate
For the Informant : Mr. Sheo Kumar Prasad, Advocate
For the State : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 23-04-2025 Heard the learned counsel for the petitioner, learned counsel for the informant and the learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Sirdalla P.S. Case No. 234 of 2024, registered for the offences punishable under Sections 354(C) and 509 of the IPC and Section 66 and 77 of the Information Technology Act and later on Section 376 of IPC was added.

3. The prosecution case in brief is that informant in the FIR has alleged that her villager, namely, Rishu Kumar (petitioner) had established physical relationship on the pretext of marriage for many years and had also kept some objectionable photographs with him and have on many



occasions blackmail her and in doing so, he had taken around Rs. 1 lakh in several installments. The informant has further alleged that despite her marriage, the said Rishu Kumar (petitioner) had been contacting her and threatening to make the photos viral and prior to lodging of the FIR, around 4-5 days ago, he had made such photos viral and it was seen by her in-laws.

4. The learned counsel for the petitioner submits that initially the case was registered under Section 354(C), 509 of IPC and Annexure 66/67 of the IT Act, however, after almost more than two months, Section 376 of IPC was added. Learned counsel for the petitioner submits that despite there being no averment as such the aforesaid Section 376 of IPC was added, which is evident from the fact that the paragraphs referred to in the order by which the said Section was added, does not contain any such allegation. Learned counsel further submits that the petitioner has not committed any offence as such and there was a love relationship of the petitioner with the said informant and it is only as an act of revenge, the present case has been lodged. Learned counsel also submits that the petitioner was approached for medical examination but she has refused to be examined medically. Lastly, it has been submitted that the petitioner has



clean antecedent and he is in custody since 27.08.2024.

5. The learned counsel for the informant has opposed the prayer for bail and has stated that it was on account of the petitioner that her present marriage is almost broken and she has been relegated to her parent's house by her in-laws. Learned counsel for the informant has further submitted that the petitioner has blackmailed the informant and has extracted around Rs. One lakh by threatening her to make her photos viral and as such he should not be released on bail.

6. Learned Additional Public Prosecutor for the State has supported the arguments made by the learned counsel for the informant.

7. Considering the aforesaid facts and circumstances and specially taking into account the fact that Section 376 was added subsequently as an afterthought, however, from perusal of the case diary, it does not seem as to what occasioned for the addition of Section 376 subsequently and also taking note that the petitioner is in custody since 27.08.2024, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, 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 court
of learned Judicial Magistrate 1st Class, Nawada, in connection
with Sirdalla P.S. Case No. 234 of 2024.

(Sourendra Pandey, J)

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