

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43182 of 2022**

Arising Out of PS. Case No.-317 Year-2018 Thana- RAJAOLI District- Nawada

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Rajeev Kumar @ Rajiv Kumar Son of Krishan Prasad @ Krishan Paswan  
Resident of Village - Devpuri @ Deopuri, P.s.- Ariyari @ Ariari, Distt.-  
Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate.

Mr. Roop Kishan, Advocate.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP.

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      23-11-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
one month.

Heard learned senior counsel for the petitioner and the  
learned APP for the State.

Petitioner seeks regular bail in connection with  
Rajauli P.S. Case No. 317 of 2018 registered for the offences  
punishable under Sections 354D, 509 of the Indian Penal Code  
and 67A of the Information Technology Act, 2000.

As per the prosecution, the informant's minor  
daughter's obscene pictures were transmitted on whatsapp  
(Social Media Platform) through this petitioner's mobile phone.

The main submissions advanced by learned senior



counsel Mr. N.K. Agarwal appearing for the petitioner are that the petitioner has clean antecedent and four to five persons including the petitioner have been named in the FIR mainly on the basis of suspicion and the petitioner has no connection with the alleged school of which several teachers were found involved in the alleged crime of circulating some offensive nude pictures of the victim and as per the prosecution the petitioner is stated to be the holder of the mobile SIM by which the offensive nude pictures of the victim were sent but the petitioner is an uneducated person who is dependent on daily wages and by taking advantage of this position someone might have misused his mobile no. Further submission is that the petitioner preferred the regular bail petition before the Court below on 01.07.2022 which was rejected with a liberty given to the petitioner to renew his bail prayer and thereafter the petitioner filed the petition before court below for the same relief but his prayer was again rejected while co-accused Manohar Kumar has been granted bail by the Court below. Further submission is that during the course of investigation the police failed to recover the alleged mobile phone and SIM from the possession of this petitioner.

Learned APP Mr. Chandra Bhushan Prasad appearing



for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. The petitioner is stated to be a young person as mentioned in his petition and has clean antecedent and as per the above submission the charge has been framed upon him by the trial court, though the allegation made in the FIR is serious in nature but considering the petitioner's custody period and his clean antecedent and stage of his case and one co-accused is on bail granted by court below, in the opinion of this Court the petitioner deserves to a lenient approach of this Court, let the petitioner be enlarged 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 concerned court in connection with Rajauli @ Rajoli @ Rajouli P.S. Case No. 317 of 2018.

**(Shailendra Singh, J.)**

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