

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23229 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- NAUHATTA District- Rohtas

1. Binod Prajapati Son of Nandan Prajapati Resident of Vill. - Nawadih, P.S.- Nauhatta, Dist.- Rohtas.
2. Pravesh Chaudhary Son of Late Brahmdev Chaudhary Resident of Vill. - Nawadih, P.S.- Nauhatta, Dist.- Rohtas.
3. Prakash Kumar Son of Lakhan Chaudhary Resident of Vill. - Nawadih, P.S.- Nauhatta, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey
For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-09-2022 Let the defect, if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek regular bail in connection with Nauhatta P.S. Case No. 24 of 2022 lodged under Sections 341, 323, 254(A), 354(B), 34 of the Indian Penal Code read with Sections 67/67A, 66E of the Information Technology Act.

As per the information, the allegation of outrage the modesty of the daughter of informant is there in the F.I.R. It has been alleged that the accused persons have also prepared a video

and made it viral also.

Learned counsel for the petitioners submits that from the F.I.R. it transpires that the said Mobile has been recovered from accused Shankar Chaudhary and Rahul Kumar, therefore, the allegations relating to Information Technology Act shall not attracted against the petitioners. He further submits that there is one notable point that the brother of petitioner no.2 namely Manoj Chaudhary and the father of petitioner no.3 namely Lakhan Chaudhary are the seizure list witnesses in the present case. He further submits that petitioners are in custody since 07.02.2022, having clean antecedent and charge sheet has already been filed in this case. On the query by the Court that whether charge has been framed or not, learned counsel for the petitioner is not in a position to inform the Court in this regard.

Learned counsel for the State opposes the prayer for bail and submits that the allegation against the petitioners and other accused persons are heinous due to the reason that 6 persons had tried to outrage the modesty of a lonely girl and made her photograph viral. From the order passed by the session Court, it transpires that the victim girl has supported the F.I.R. in her statement recorded under Section 164 Cr.P.C.

Considering the facts and circumstances of this case

and the submissions made above, I am not inclined to grant bail to all the 3 petitioners, therefore, their bail petition is hereby rejected.

But liberty is hereby granted to them that they may renew their prayer for bail after framing of charge in this case.

(Dr. Anshuman, J.)

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