

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36423 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- MAHILA P.S District- West Champaran

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Vinod Sharma Son Of Late Ramashray Sharma R/O- Vill-Rampurwa,
Madhopur, Ward No.1, P.S.- Majholia, Dist.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Babita Devi W/o Awadhesh Paswan, R/o Madhopur Rampurwa Ward No. 1, P.S. Majholia District- West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 24.04.2022, in connection with Bettiah Mahila P.S. Case No. 08 of 2022, F.I.R. dated 23.04.2022 registered for the offences punishable under Sections 354(A), 354©, 384, 505, 504/34 of the Indian Penal Code, Sections 8 and 12 of the POCSO Act, Sections 3(1)(r)(s) of the SC/ST Act and Section 67 of the Information Technology Act.

The prosecution case, in brief, is that the accused petitioner along with co-accused namely Angit Kumar Thakur clicked the photo of the victim (the daughter of the informant) with the accused Angit Kumar Thakur, threatening and



blackmailing the informant to viral the same photo and also demanded Rs. 5,00,000/- (five lacs) not to do the same. The informant gave Rs. 3,00,000/- (three lacs) to them for the sake of his daughter reputation but the accused petitioner Vinod Sharma viralled the photo of the victim girl with the accused Angit Kumar Thakur. When the informant went to the accused petitioner Vinod Sharma where Angit Kumar Thakur was also present and inquired about the same then they started abusing the informant by taking his caste name and also threatened him to kill and demanded Rs. 5,00,000/- (five lacs).

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and no case is made out under Section 354(A) of the Indian Penal Code and no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. She further submits that the victim girl of this case in her deposition before the learned Trial Court stated that the petitioner has not committed any wrong with her (Annexure-2 to the supplementary affidavit) and the petitioner is in custody since 24.04.2022.



The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner has been acquitted in one case and in the other case he is on bail.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO cum A.D.J. VI, West Champaran, Bettiah in connection with Bettiah Mahila P.S. Case No. 08 of 2022, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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