

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66159 of 2022

Arising Out of PS. Case No.-219 Year-2021 Thana- BUNIYAD GANJ District- Gaya

1. Bhuneshwar Prasad Son of Gowardhan Ram R/o Mohalla- Baijnath Sahay Lane, Shree Ram Nagar, Manpur, P.S.- Buniyadganj, District- Gaya
2. Sita devi Wife of Bhuneshwar Prasad R/o Mohalla- Baijnath Sahay Lane, Shree Ram Nagar, Manpur, P.S.- Buniyadganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-04-2023 During the pendency of the present petition, the petitioner no. 2, Sita Devi was arrested and released on bail and as such the petition has now become infructuous.

Heard Mr. Rabindra Kumar Priyadarshi, learned counsel for the State.

The petitioner no. 1 is apprehending arrest in connection with Buniyadganj P.S. Case No. 219 of 2021 for the offence under Sections 376, 419 and 506 of the Indian Penal Code and Section 67 of the Information Technology Act Pending in the Court of learned Additional Chief Judicial Magistrate, Gaya lodged on 10.10.2021 by the informant Supriya Anchala.



The prosecution story, in brief, is that the informant alleged that when she was studying in Std. VI, the co-accused Rahul Kumar was also working as teacher in said coaching and used to touch her inappropriately whenever she was alone. The informant further alleged that she informed her parents about the act of Rahul Kumar.

The informant further alleged that she joined Dronacharya Coaching Centre at Nutan Nagar in the year 2018 wherein Rahul Kumar was studying in Senior batch. He used to follow the informant after classes and managed to get her mobile number. Thereafter, he used to call and chat on her mobile phone. Further, the informant alleged that the said Rahul Kumar threatened her of committing suicide and blackmailed her for marriage. Further, the informant alleged that Rahul Kumar made sexual relationship at various instances with her and further he took objectionable photographs of the informant and blackmailed her to have sexual relation, else he would make the objectionable photographs viral.

She further alleged that when her parents complained to the petitioners, they abused and threatened her to make objectionable photographs viral and further threatened to destroy the life of the informant.



She further alleged that Rahul Kumar made email ID in the name of the informant and further her photographs went viral on Instagram by him. This led to destruction of her life. Accordingly, the F.I.R.

It has been contended by the learned counsel that the petitioner no. 1, Bhuneshwar Prasad is the father of Rahul Kumar who was in relationship with the informant and when the same turned sour, the present F.I.R.

It is his further submission that Rahul is already suffering by being in custody and his bail application vide Cr. Misc. No. 7186 of 2023 (Rahul Kumar vs the State of Bihar) is pending.

Learned APP, on the other hand, opposes the prayer for bail.

Considering the materials on record as also the fact that Rahul Kumar against whom main allegation has been made is already in judicial custody as stated above, the petitioner no. 2, the mother has already been granted bail, the petitioner no. 1 namely, Bhuneshwar Prasad also deserves relief.

Let the petitioner no. 1 be released on bail, in the event of his arrest or surrender within a period of four weeks



from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Gaya in connection with Buniyadganj P.S. Case No. 219 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

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