

IN THE COURT OF ANIL KUMAR, 04th ADDITIONAL SESSIONS JUDGE,
SASARAM, ROHTAS
Bail Petition No. 698 of 2024
NITISH KUMAR VS. THE STATE OF BIHAR
Arising out of Rohtas (Cyber) P.S. Case No. 35/2024

IN THE MATTER OF :-

Nitish Kumar, aged about 23 years, S/o Pramod Kumar Mehta. R/o Village, P.O. and P.S. Risiup, District Aurangabad (Bihar)	Petitioner.
VERSUS	
The State of Bihar	Opposite Party.
Present :	
For the petitioner : Mr. Dhananjay Pathak, Ld. Adv.	
For the O.P. (State) : Mr. Sugriv Choudhary Ld. Addl. P.P	

ORDER

10.01.2025

The instant bail petition dated 17.12.2024 has been filed on behalf of abovenamed accused / petitioner, who is in custody since 04.12.2024 in connection with Rohtas (Cyber) P.S. Case No. 35/2024, registered U/ss 376, 354(A), 354(C), 509, 354(D) I.P.C. r/w Sections 66(E) and 67 of Information Technology (Amendment) Act, 2008.

Prosecution story in brief, is that on 26.11.2023, informant got acquainted with Nitish Kumar through Instagram, then started talking to him. He promised to marry her. On 23.03.2024, she met accused / petitioner Nitish in Sasaram, Rohtas and he took her to a friend's room and had physical relations with her and during that time he recorded obscene photos and videos on his mobile and he also took the informant's SIM No. 9798947371. After a few days, Nitish Kumar started making obscene photos and videos viral and started threatening her. On 17.05.2024, he shared obscene photos and video from informant's No. 9798947371 on her maternal uncle's Whats App No. 9934039884 and he also shared a photo of himself alongwith her on her maternal uncle's mobile from his mobile no. 6203803006. He is still sharing photos with her on Instagram and on Social media.

Learned counsel for the petitioner submitted that he is quite innocent and has committed no offence. All the offences are bailable save and except 376 IPC & 67 IT Act which are not applicable against the petitioner. The petitioner has wrongly been dragged in this case at the instance of his enemies. The petitioner has got no any criminal antecedent. The petitioner is in custody since 04.12.2024 without any cogent and reliable evidence. The petitioner is a student engaged in making preparation for General Examinations. Actually, the informant was in love affairs with one Ankesh Kumar of his village whose Mauasi belongs to hoshaw, the village of the informant due to some personal matter some bitterness cropped up between the relation of the informant & Ankesh Kumar who gave his mobile number to the informant & the informant for the first time requested the petitioner on his mobile in the month of November, 2023 and thereby came in the contact of the petitioner and wanted to make intimacy with the petitioner but the petitioner did not give any leave to advance the relationship but the photos & videos of the petitioner was taken by the informant and wrongly utilized to blackmail the petitioner. Neither the informant handed over the SIM Card to the petitioner nor any obscene Video or picture was ever communicated to any person at all. All the alleged transmissions of any obscene photo & picture is self created by the informant and send by her on mobile. Actually, the informant wanted to extort money by blackmailing the petitioner on the name of dragging him in false case

IN THE COURT OF ANIL KUMAR, 04th ADDITIONAL SESSIONS JUDGE,
SASARAM, ROHTAS
Bail Petition No. 698 of 2024
NITISH KUMAR VS. THE STATE OF BIHAR
Arising out of Rohtas (Cyber) P.S. Case No. 35/2024

Contd. -

10.01.2025 and on denial of the petitioner to give money the present case has been instituted. Hence, petitioner may kindly be enlarged on bail.

Ld. A.P.P. opposed the bail petition.

Heard, both sides and perused the case record. So far as charge of Section 376 I.P.C. is concerned, it is clear from the FIR itself that she made physical relationship with her own consent as besides Sasaram, she also went with him in Haryana. So far as promise of marriage and its breach is concerned, is a matter of trial to determine whether his intention to cheat was from inception or not. It is also clear from the FIR that objectionable photographs were taken with her consent but the only fault of accused / petitioner is that he has posted her objectionable photographs on Instagram, Social Media and on the What's app of her uncle without her consent and with malicious intention. But it is surprising that the police has not recorded the statement of his uncle U/s 161 of Cr.P.C. Even the I.O. of the case has not placed any clear cut proof of posting objectionable photographs on the Instagram. Besides, the accused is student of B.A Part-III, and has got no criminal antecedent and also he is in custody for more than a month. Hence, he may be released on bail.

Considering the above-mentioned facts and circumstance of the case and submissions of the Ld. Counsel for the petitioner including the period of custody, I deemed it proper to enlarge the petitioner on bail. So, the bail petition is **allowed**. Let the petitioner named above is directed to be released on bail on furnishing his bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Ld. Court below. O/c is directed to send the copy of this order forthwith to court below for necessary compliance.

(Dictated)

Sd/-

(Anil Kumar)
4th Additional Sessions Judge
Rohtas at Sasaram
10.01.2025