

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9030 of 2016

Arising Out of PS.Case No. -153 Year- 2013 Thana -MEERGANJ District- GOPALGANJ

Raj Kumar Son of Hiralal Prasad, Resident of Village - Mirganj
Galamandi, P.S. - Mirganj, District - Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Mr. D.P.Tiwary(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioner, learned
APP for the State as also learned counsel appearing on behalf of
the informant.

Petitioner apprehends arrest in connection with
Mirganj P.S. Case No. 153/13 for offences alleged under Section
294 of the Indian Penal Code and under Section 66(A) of the I.T.
Act, but later on Sections 354 and 509 I.P.C. were added.

The prosecution case, as lodged by the informant
Rekha Kumari, is that unknown person has made a facebook
account using her name and photograph and used to send obscene
and wrong message on the said facebook account.

It has been submitted by the learned counsel for
the petitioner that he has no criminal antecedent and has falsely



been implicated in the aforesaid case. He further submits that in pursuance to the notice petitioner appeared before the police station and has executed a P.R. Bond under Section 41(c) of the Cr.P.C. which figures in paragraph 88 of the case diary wherein he undertakes to abide by the provisions of Section 438(2) Cr.P.C. He also submits that petitioner has not committed any offence, even facebook message shows that the account was not created by him, rather it was another co-accused i.e. one Dig Vijay, who is alleged to have created such account and his prayer for anticipatory bail has already been rejected in Cr. Misc. No. 44272 of 2015 on 13.10.2015 by a Co-ordinate Bench of this Court and the case of the petitioner stands on a different footing as the police also during investigation, specially in paragraph 105 of the case diary, has found that the petitioner was a classmate of the said co-accused, hence, he has been dragged in the aforesaid case.

However, learned counsel appearing on behalf of the informant submits that the victim in paragraph 50 of the case diary has supported the prosecution case, so also the witnesses in paragraphs 52 and 53 of the case diary, but, however, they are brothers of the victim. He further submits that the petitioner has already executed a P.R. Bond under Section 41(c) of the Cr.P.C., hence, there is no apprehension of his arrest and his application for

grant of anticipatory bail is not maintainable.

Be that as it may, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Mirganj P.S. Case No. 153/13, subject to the conditions as laid down under Section 438(2) Cr.P.C.

It is, however, made clear that this order is passed with a condition that the petitioner will make himself available before the police/ court as and when required and failure to appear on two consecutive dates his bail bonds will be liable to be cancelled.

(Nilu Agrawal, J.)

Rajesh/-

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