

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6527 of 2022

Arising Out of PS. Case No.-106 Year-2021 Thana- BAKHTIYARPUR District- Patna

RAJA RAM MISHRA, Son of Mohan Mishra Resident of Village - Rawaich,
P.s.- Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar
For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Bakhtiyarpur P.S. Case No. 106 of 2021, registered for the

offences punishable under Sections 354 (A), 354 (D), 506

I.P.C. and 67 (A) I.T. Act.

As per allegation, the petitioner along with her

sister created a Facebook account in the name of Amarjeet

Mishra and posted the pregnancy report of the alleged victim

on that account, violating her Right to Privacy.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this case. He submits that the allegation of creating any Facebook account by the petitioner in the name of the Amarjeet Mishra is totally false and fabricated and without any basis. He also submits that the petitioner and the informant are close relatives and there is money dispute between them and only on account of the previous enmity, the present false case has been lodged by the informant.

The petitioner has languishing in jail since 28.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has earlier been made accused in Bakhtiyarpur P.S. Case No. 273 of 2019.

The learned APP for the State opposes the prayer for bail. However, he fairly accedes that there is no material in the case-diary to show that the petitioner has created the Facebook account in question.

Considering the aforesaid facts, and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate – III, Barh, in connection with Bakhtiyarpur P.S Case No. 106 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the



bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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