

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9485 of 2022

Arising Out of PS. Case No.-395 Year-2021 Thana- KESARIA District- East Champaran

Gautam Prasad, Son Of Shankar Prasad R/O Village- Mathiya, P.S.- Kesariya,
District- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 385,
384, 386, 504, 506 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner has antecedent of two cases and the informant alleges
that indecent post about informant are being put on Facebook
and Whatsapp by Chandeshwar Kushwaha and Gautam Prasad
(petitioner) for the past two months. It is next alleged that wife
of Chandeshwar Kushwaha was neighbour of informant against
whom the case was lodged by co-accused in which, informant
was asked to create pressure on her which he did not comply. It
is next alleged that petitioner and co-accused were putting



pictures of the wife of Chandeshwar Kushwaha with the informant with obscene comments.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that the allegation in the F.I.R. is that Chandeshwar Kushwaha and the petitioner were putting pictures of the informant along with Nidhi Kumari (wife of Chandeshwar Kushwaha) on Whatsapp and Facebook with obscene comments. The learned counsel next submits that it absolutely does not stand to reason that as to why the accused persons including the petitioner would put the picture of Nidhi Kumari with the informant when Nidhi Kumari is own Bhabhi of the petitioner. It is further submitted that a matrimonial dispute has arisen between Chandeshwar Kushwaha and Nidhi Kumari for which, a divorce case has been filed before the learned Family Court. The learned counsel next submits that the photographs which have been posted on Whatsapp and Facebook also is not from the mobile number of the petitioner, but one of the mobile is of Chandeshwar Kushwaha. The learned counsel next submits that it absolutely does not stand to reason that as to why Chandeshwar Kushwaha would have used his own mobile for putting pictures of his wife with the



informant with obscene comment and thus, create evidence against himself. It is next submitted that it appears that since the informant and Nidhi Kumari are known to each other, so it may be a possibility that the mobile of Chandeshwar Kushwaha was misused for the said purpose by Nidhi in connivance with the informant.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kesariya P. S. Case No.395 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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