

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16638 of 2022**

Arising Out of PS. Case No.-318 Year-2021 Thana- NAUGACHIA District- Bhagalpur

RAJESH KUNWAR @ RAJESH KUMAR SON OF LATE SHAILESH
KUNWAR @ SHAILESH KUMAR R/O VILLAGE- SAIDPUR, P.S.-
GOPALPUR, DIST.- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 22-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 353, 504 and 506 of the Indian Penal Code.

The informant alleges that on 18.08.2021, the petitioner from his mobile number called the informant on his official mobile number with regard to problems relating to card and distribution of grain by the PDS dealer, it is next alleged that the petitioner during talk used unparliamentary language against the informant and the MLA, Gopalpur and also threatened that he will be removed if a complaint is made to the Deputy C.M., further it is alleged that on the same day at 8:56



pm, the informant called the petitioner with regard to the problem raised by him, it is further alleged that despite petitioner being informed about the problem which he had raised still he was creating pressure upon the informant to commit illegal work, it is next alleged that at the said point of time there was a massive flood in Naugachhia and the informant was involved in distribution of relief to the flood affected people but the petitioner wasted his time.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that F.I.R. does not disclose as to what unparliamentary language was used by the petitioner against the informant and the MLA, Gopalpur and as far as CD is concerned, that in itself is an offence for the reason that talk between two persons cannot be tapped without official permission. Learned counsel submits that the allegations as such appears to be more in nature of administrative dispute than criminal.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 from today, be released on anticipatory bail on furnishing bail bonds 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/successor court in connection with Naugachia P.S. Case No. 318 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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