

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39987 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- NAUTAN District- Siwan

ABHISHEK KUMAR S/o Niranjana Ram R/o village- Sujaw, P.S.- Nautan,
District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant

For the Opposite Party/s : Mr.Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

Learned counsel for the petitioner is permitted to
make necessary correction in the bail petition during the course
of the day.

The petitioner seeks bail in connection with Nautan
P.S. Case No. 98 of 2022 registered for the offences punishable
under Sections 341, 323, 504 and 34 of the I.P.C. and Section 67
and 67(A) of IT Act.

As per prosecution case, petitioner uploaded the
photograph of informant's daughter on internet so that her
marriage would not solemnize.



Learned counsel for the petitioner submits that petitioner is in custody since 06.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is delay of four days in lodging the FIR and the same is not explained. Petitioner and informant are next door neighbour and there is dispute with regard to flow of drainage. Petitioner has been falsely implicated in the case as pragmatically and prudently it cannot be possible that the petitioner and petitioner's grandfather and father have been made accused in this case with regard to the uploading picture of informant's daughter for breaking possibility of solemnizing marriage in future.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 6th Siwan in connection with Nautan P.S. Case No. 98 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

vashudha/-

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