

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41401 of 2022**

Arising Out of PS. Case No.-137 Year-2020 Thana- RAHIKA District- Madhubani

NITYANAND JHA @ N.N JHA Son of Ashok Jha Resident of village-
Raghopur, P.S.- Manigachi, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Rina Sinha

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 23-11-2022 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 filed

supplementary affidavit, let it be kept on record.

The petitioner seeks bail in connection with

Rahika P.S. Case No. 137 of 2020 registered for the

offences punishable under Sections 420, 385, 504 and 500

of the Indian Penal Code and Section 66(D) and 67 of the

Information and Technology Act, 2000.

As per prosecution case, allegation against the

petitioner is that he tortured the informant by calling him



from mobile no. 9262349218 and 9654473689. It is further alleged against the petitioner that the petitioner hacked the Facebook account of informant's relative and his villager and used to share indecent messages to the informant's wife and his daughter. It is further alleged that the petitioner demanded Rs. 2 lacs as ransom from the informant and threaten him to kill by sending him picture of pistol on Facebook.

Learned counsel for the petitioner submits that petitioner is in custody since 28.12.2021. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner has never demanded any money neither uploaded nor tagged the pictures of the informant's daughter or any of his family members and even did not threaten them. Learned counsel further submits that no specific date regarding the alleged occurrence is mentioned in the F.I.R. Learned counsel through supplementary affidavit further submits that the petitioner is quite innocent and has falsely been implicated in this case



for ulterior reasons and also undertakes that the petitioner will not commit such type of offence 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 as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, petitioner has also undertaken not to indulge in such activity in future, keeping in view clean antecedent of the petitioner, argument advanced on behalf of the parties 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 CJM, District Madhubani in connection with Rahika P.S. Case No. 137 of 2020, 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)

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