

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14135 of 2023

Arising Out of PS. Case No.-587 Year-2022 Thana- TEKARI District- Gaya

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DHIRAJ KUMAR S/o Dinesh Prasad Sharma @ Dinesh Sharma R/o village-
Puran, P.S.- Karpi, Distt- Arwal, Presently residing at House no. 522, Ward
no. 21, Batis Bhanbhariya, West from Jehanabad Court Station.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mrs. Soni Srivastava, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP
For the Informant	:	Mr. Pakash Chandra Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2023 Heard Mrs. Soni Srivastava, learned counsel for the

petitioner and Mr. Prakash Chandra Jha, learned counsel

representing the informant as also the State.

The petitioner apprehends his arrest in connection
with Tekari P.S. Case No. 587 of 2022 instituted under Sections
354 (A), 354 (B), 354 (C) and 504/34 of the Indian Penal Code
lodged on 12.09.2022 by the informant Ranjan Kumar.

As per the prosecution story, the informant alleged
that Dhiraj Kumar used to send objectionable message and
photos on her mobile as also on the family members by his
mobile. He used to visit the house of the informant being their
relative and in course whereof developed relationship with the
informant's daughter. When the informant came to know about
the same, he talked to Dhiraj Kumar whereupon he suggested



the informant to meet his father Dinesh Sharma for negotiation of marriage and in pursuance to the same, the informant met with accused Dinesh Sharma, who behaved in rude manner and did not entertain the informant. Lastly, informant negotiated the marriage of his daughter with one Vikash Kumar and ring ceremony was performed on 04-08-2022 with that boy at Hotel Days Owners, Sakchi, Tata. However, accused/petitioner Dhiraj Kumar started sending objectionable photos and videos on the mobile phone of said Vikash Kumar and others. As a result, informant got apprehension that the marriage of his daughter with Vikash Kumar will be cancelled. Accordingly the FIR.

Learned counsel for the petitioner submits that he is a government servant, nothing to do with the alleged solemnization of the marriage between the daughter of the informant and the person with whom the marriage has been fixed. Further it is categorical statement that he did not forwarded the messages to the respective bridegroom although the phone number and the details were provided by the girl herself.

The last submission is that they indeed were in affairs and wanted to marry each other. However he do not have anything to do with the present alleged occurrence.



Learned counsel for the informant although submits that the due to the petitioner, the marriage of his daughter could not solemnize, however, failed to brought on record to show actually what was sent or received by the bridegroom.

The petitioner is a government servant, do not have criminal antecedent, the FIR having been lodged ultimately will have to face the trial, this Court is inclined to extend privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Tekari P.S. Case No. 587 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate VI, Gaya, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;



(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan/
Sunil

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