

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16729 of 2023

Arising Out of PS. Case No.-291 Year-2022 Thana- JOGBANI District- Araria

Sonu Mehta S/o Uma Shankar Mehta Resident of mohalla-Bubana Colony
ward no. 1, Laheriya Ganj, P.S. Madhubani Town, District-Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv.
For the State	:	Mr. Md. Fahimuddin, APP.
For the Informant	:	Mr. Gopal Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Md. Fahimuddin, learned APP
for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Jogbani P.S. Case No. 291 of 2022 registered for the offence punishable under Section 354/34 of the Indian Penal Code. He has no criminal antecedent as stated in paragraph '3' of the application.

The allegation against the petitioner is that on 04.09.2022 an indecent comment has been sent on whatsapp message from a mobile no. 9631784245 which is in the nature of character assassination of the informant's daughter by loading false and prejudiced messages. It is alleged that the accused persons are in collusion and in connivance of each other to



destroy the reputation of the daughter of the informant.

Learned counsel for the petitioner submits that on a bare reading of the FIR itself it would appear that this petitioner is the brother of the Bhabhi of the informant. The sister of the petitioner is married to the younger brother of the informant and admittedly, due to a matrimonial discord between the two, the relationship has gone sour.

Learned counsel further submits that the alleged occurrence is said to have taken place on 04.09.2022, however, the complaint was lodged on 08.09.2022 and the FIR has been registered on 13.09.2022.

The submission is that the informant has not made any specific allegation and even a counter affidavit has been filed in this case on behalf of the informant, save and except one message which is in the nature of a disclosure about some relationship, nothing more is stated. It is submitted that so far as the photographs enclosed with the counter affidavit are concerned, those are by no stretch of imagination is a filthy photograph and the allegations made by the informant in this regard are not substantiated.

Learned A.P.P. for the State as well as learned counsel for the informant have opposed this application.



Learned counsel for the informant admits the relationship between the parties but submits that in course of said relationship, the petitioner has indulged in sending the said messages on 04.09.2022. There is, however, no repetition of the same and so far as photographs are concerned, there is no specific recital about the same.

Having regard to the facts and circumstances of the case, the nature of the relationship between the parties and the fact that both the parties are having acrimonious relationship because of the matrimonial discord and in this process the alleged occurrence is said to have been taken place, there is no repetition of any such message and the petitioner has otherwise no criminal antecedent therefore, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M-V, Araria in connection with Jogbani P.S. Case No. 291 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that the petitioner shall not in any way try to come in contact with the family of the informant and in case of any repetition of the act as alleged, the informant will be at liberty to file an application for cancellation of the bail.

(Rajeev Ranjan Prasad, J)

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