

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21144 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- ITARHI District- Buxar

RAJU RAJ RAY @ RAJU RAY S/o Late Beyash Ray @ Byash Rai Resident
of Village and P.O.- Diyanman (Barka Diya), P.S.- Krishnagbraham, District-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar Pradhan, Adv.
For the Informant	:	Mr.Alok Ranjan, Adv.
For the State	:	Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 30-01-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Itarhi
P.S. Case No. 36 of 2022 registered for the offences punishable
under Sections 354B, 354D, 447, 506, 509 of the Indian Penal
Code and Section 67 of the I.T. Act.

As per prosecution case, petitioner made the
photograph of informant's daughter alongwith him and
uploaded the same on Facebook and Whatsapp. It is also alleged
that said photograph was also sent to relative of informant by
the present petitioner. It is also alleged that petitioner threatened
the informant to cancel the marriage of her daughter which has
been fixed by saying that petitioner is in love with her daughter.



It is further alleged that petitioner also threatened to kill the informant's daughter.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in the present case. He further submits that there is no mentioning of date or time in the FIR regarding the incident committed by the petitioner and it was only a matter of talk due to attraction between petitioner and informant's daughter and on account of family dignity when the matter came on social media platform the informant lodged the present case. He further submits that petitioner is not much educated in handling of Facebook or Whatsapp and taking benefit of that someone by playing fraud uploaded the photos on Facebook and Whatsapp. He further submits that marriage of informant's daughter has already been solemnized. Learned counsel has submitted supplementary affidavit in which he has stated that he will not commit any offence of similar nature in future. Petitioner is in custody since 15.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

Learned counsel for the informant and learned



A.P.P. for the State opposed 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 Chief Judicial Magistrate, Buxar in connection with Itarhi P.S. Case No. 36 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)

shahzad/-

U		T	
---	--	---	--

