

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39804 of 2023

Arising Out of PS. Case No.-5 Year-2022 Thana- RAJIVNAGAR District- Patna

Arvind Nigam, Male, aged about 32 years, Son of Kailash Chand Nigam,
Resident Of Village- 37/2 Mau Dehat, Mau Rural, P.S.- Mauranipur, District-
Jhansi, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Aditya, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-07-2023 Heard Mr. Siddharth Aditya, learned counsel
appearing on behalf of the petitioner and Mr. Navin Kumar
Pandey, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Rajeev Nagar P.S. Case No. 05 of 2022 registered for the
offence punishable under Sections 328, 376 and 506 of the
Indian Penal Code.

3. As per the allegation made in the FIR, the
informant and the petitioner were in talking relationship since
the year 2016. The informant was married to one Ravi Ashish in
the year 2022. Thereafter, the video and photograph was made
viral on the social media by the petitioner.

4. Learned counsel appearing on behalf of the



petitioner submitted that allegation as made in the FIR by the informant is not sustainable. Informant has admitted that she was in love relationship with the petitioner for a long period of time and after she got married with some other person, a false case has been registered against him. The video clip as well as the photographs which have been made public on the social media cannot account that the petitioner is the one who has posted the same and no verification in this regard has been made till date in terms of the I.T. Act. Petitioner is innocent and is still having respect for the informant. Petitioner undertakes that he will not interfere in the matrimonial relationship between the informant and her husband in any manner. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR as well as the fact that the informant and the petitioner were in good relationship and misunderstanding arose after the photographs and video remained in the mobile phone of the informant, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

7. The petitioner is directed to be released on pre-



arrest bail if he files an affidavit undertaking that he will not interfere in matrimonial relationship of the informant in future in any manner within a period of two weeks. Till then, no coercive steps shall be taken against the petitioner.

8. In case, the affidavit is filed, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Patna, in connection with Rajeev Nagar P.S. Case No. 05 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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