

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44938 of 2023**

Arising Out of PS. Case No.-493 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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Rahul Kumar @ Rahul Kumar Mandal Son Of Rajesh Mandal @ Bihari
Mandal Resident Of Village- Dhoi, Ps- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Darbhanga Sadar P.S. Case No.493 of 2022 registered on
16.08.2022 lodged under Sections 354(D), 504, 506 of the Indian
Penal Code and 66 (E)/67 of the Information Technology Act.

3. As per the prosecution case, F.I.R. has been lodged by
the informant alleging that the accused initially blackmailed his
daughter for 2 months and upon oppose, he used to abuse the
informant and threatened to kill him as well. It has also been
alleged that the said petitioner continuously sent messages and
obscene photographs to the informant's daughter, with the help of
a fake Instagram ID.

4. Counsel for the petitioner submits that petitioner is
innocent and has committed no offence. He further submits that
petitioner is in custody since 01.04.2023 having 1 criminal case
pending against him, in which he is on bail.

5. Counsel for the petitioner submits that the present FIR lodged against the petitioner under Sections 354(D), 504, 506 of the Indian Penal Code and 66 (E)/67 of the Information Technology Act. He submits that punishment for the first offence under Section 354(D) of the Indian Penal Code is maximum upto 3 years. He also submits that punishment for the first offence under Sections 66 (E)/67 of the Information Technology Act is also maximum upto 3 years and the rest offences are bailable in nature. Counsel submits that it is the first offence of the petitioner under Sections 354(D) of the Indian Penal Code and 66 (E)/67 of the Information Technology Act.

6. Learned counsel for the State opposes the prayer for bail but he submits that it is stand of the petitioner that the marriage has been solemnized between the daughter of the informant and the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Darbhanga Sadar P.S. Case No.493 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member of the

petitioner who shall provide official document to show his *bona fide*;

(ii) 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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(v) 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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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