

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57346 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- MAHILA P.S. District- Sheikhpura

MD. ABID HUSSAIN S/o Md. Usman Darzi @ Md. Usman Alam Resident
of village- Sakunat, Ward No.- 13, P.S.- Sheikhpura, District- Sheikhpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-03-2023 Heard the parties.

The petitioner apprehend his arrest in connection with Sheikhpur Mahila P.S. Case No.31 of 2022, registered for the offence punishable under Sections 509 of the Indian Penal Code and 67 (A) of I.T. Act.

The prosecution story in brief is that some unsocial elements behaved in obscene manner with the niece of the informant. Co-accused Razi Malik commented in social media for the said occurrence against informant's niece. The petitioner had also posted some obscene comment against the niece of the informant to defame her.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in



the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the marriage of the petitioner was solemnized with the cousin sister of the informant and after some days of marriage she left the matrimonial place and started to live at her parental house. The present informant in connivance with the wife of the petitioner made petitioner an accused in the instant case. He further submits that the petitioner never misused social platform and there is no sign of overt act against him. He further submits that there is a compromise between the parties, as also stated in supplementary affidavit. Petitioner has one criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail and submits that this case is a matter of cyber crime and misuse of social media by posting obscene comments against the informant's niece.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly, dismissed.

However, if the petitioner surrender before the learned



court below within a period of six weeks and seek for regular bail, the learned court below shall pass the order, on the same day, in accordance with law.

(Anjani Kumar Sharan, J)

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