

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12226 of 2024

Arising Out of PS. Case No.-287 Year-2022 Thana- PANAPUR District- Saran

Mithilesh Kumar Ram S/O- Umesh Ram R/O- Village- Semari, P.S.- Panapur,
Dist.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar,Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-02-2024 Heard Mr.Rajesh Kumar, learned counsel for the

petitioner and Mr.Satya Nand Shukla, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Panapur P.S.Case No.287 of 2022,FIR dated 01.11.2022 registered for the offences punishable under Sections 341,323,307,504,506/34 of I.P.C. and Sections 66(E) and 67 of I.T.Act.

3. Informant Upendra Kumar has filed this case against the petitioner and co-accused alleging that on 01.11.2022 at about 4:00 PM when he was going to Lakhanpur More, he met accused persons and asked them as to why they were uploading obscene and nude photograph and video clip of his sister aged 18 years on face book on which they became



angry and started abusing. When he forbade, they attacked him with iron rod during which petitioners caused injuries with iron rod on his head. The accused persons are habitual to upload nude and obscene video clips on face book and black mail the innocent persons.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that the co-accused person, namely, Upendra Ram and Umesh Ram were assaulted to the informant and he has received the injury and the injury is grievous in nature but there is no allegation of any assault or overt-act attributed against the petitioner and in fact the petitioner has not uploaded the photograph of the sister of the informant in social media and nothing has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.



6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saran at Chapra in connection with Panapur P.S.Case No.287 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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/her 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.

(Rajesh Kumar Verma, J)

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