

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30584 of 2024

Arising Out of PS. Case No.-92 Year-2021 Thana- SINGHWARA District- Darbhanga

Abhishek Kumar Mishra, Son of Chandrashekhra Mishra, Resident Of Village
- Pali North, Post Office - Basaitha, Police Station - Benipatti, District –
Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prakash Kumar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 20-11-2024 Heard Mr. Ram Prakash Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Syed
Ehteshamuddin, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Singhwara P.S. Case No. 92 of 2021 registered under
Sections 354D and 509 of the Indian Penal Code and Section 67
of the IT Act.

3. As per the allegation made in the FIR, the petitioner
created a fake Facebook account in name of the informant's
daughter and posted her indecent photo on it, due to which, she
was mentally harassed.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and he has falsely



been implicated in the present case. Learned counsel appearing on behalf of the petitioner submits that the petitioner and the victim, who is the daughter of the informant, were in love relationship. Learned counsel further submits that the petitioner created the fake Facebook account, in which the picture of the victim was uploaded after the victim got married with some other person. The petitioner, being innocent and being carried out emotionally, had no intention to tarnish the image of the daughter of the informant in any manner nor he has tortured her in any manner. The petitioner himself is facing mental harassment at his service place because of the pending criminal case against him. Learned counsel further informs that due to indulgence of the well wishers of both the families, the petitioner and the informant entered into a compromise to settle their dispute. The petitioner has clean antecedent. On these grounds, the 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 rival submissions made on behalf of the parties, as well as, the fact that the petitioner has made a statement in paragraph no.6 to the writ petition that he was in relationship with the daughter of the informant and after she was



married to some other person, the petitioner created the fake Facebook account, on which the photograph of the victim was uploaded, the petitioner, having clean antecedent, is directed to be released on bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, 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 – IV, Darbhanga, District- Darbhanga in connection with Singhwara P.S. Case No. 92 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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