

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71624 of 2024

Arising Out of PS. Case No.-98 Year-2024 Thana- RIVILGANJ District- Saran

1. Dharmendra Kumar S/o- Sheojee Singh @ Shivji Singh Village- Pachpatra
PS-Revilganj District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashish Kumar Prasad Son of Rukum Prasad Village- Uriyaon Ps- Daudpur
Dist- Saran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Pooja Arya
For the State : Mr.Raj Ballabh Singh
For Opposite Party No. 2: Mr. Harish Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-10-2024 1. Heard learned Counsel for the petitioner, learned Counsel
for the informant-Opposite Party No. 2 and learned
Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out
of Rivilganj Police Station Case No. 98 of 2024, dated
06.04.2024, disclosing offences punishable under
Sections 323/324/354-A/354-B/384/34 of the Indian
Penal Code and Section 66 of the I. T. Act.

3. The prosecution case, as per the complaint -cum- First
Information Report, is that the marriage of sister of the
Opposite Party No. 2 was solemnized with the petitioner.
After sometime, the relationship became strained and the



sister of Opposite Party No. 2 lodged a case against the petitioner under Section 498-A and other allied sections of the Indian Penal Code. It has been alleged that the petitioner posted photographs having objectionable and vulgar messages through his mobile with fake ID.

4. Learned Counsel for the petitioner submits that the petitioner has been made accused in this case due to previous dispute between the petitioner and the sister of the Opposite Party No. 2, i.e. his wife. The petitioner filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights and thereafter the present complaint has been filed. The photographs and messages were not sent from the ID of the petitioner, as would be evident from the First Information Report itself.
5. On the other hand, learned Counsel for the informant as well as the State vehemently oppose the prayer for anticipatory bail and submit that the petitioner used fake ID and through his mobile, posted objectionable and derogatory messages against the informant, his wife, mother-in-law and other family members.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that



the allegation against the petitioner is based upon documentary/ electronic evidence, for which custodial interrogation of the petitioner may not be required, I am inclined to grant the petitioner privilege of anticipatory bail.

- 7. This application is, accordingly, allowed.
- 8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, 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 Judicial Magistrate, 1st Class, Saran, at Chapra, in connection with Rivilganj Police Station Case No. 98 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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