

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76805 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- Cyber P.S. District- Katihar

Md. Sakib Son of Md. Firoj Alam village- Simariya, Ps- Kodha, dist- Katihar

... .. Petitioner/s
Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Katihar Cyber P.S. Case No. 57 of 2024 registered for the
offences punishable under Sections 341, 323, 292 & 504 of the
Indian Penal Code and Sections 67, 67(A) of the I.T. Act.

3. As per the prosecution case, allegation against the
petitioner is of sending obscene photographs of the daughter of
the informant to the family of the fiance, due to which marriage
was solemnized.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. No occurrence as alleged in the FIR ever took place. Petitioner is a man of clean antecedent. It is submitted that prosecution has failed to bring on record the so-called obscene photograph of the victim. It is submitted that both the parties are relatives and there was love story between them. It is lastly submitted that other co-accused has been granted regular bail by this Court *vide* order dated 23-10-2024, passed in Cr. Misc. No. 75266 of 2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that there is grave allegation against the petitioner, hence, he does not deserve the privilege of grant of anticipatory bail.

6. Considering the rival submissions made by the learned counsel for the parties, and taking into account the nature and gravity of the offence, this Court is not inclined to grant anticipatory bail to the petitioner. Prayer for grant of anticipatory bail is *rejected*.

7. However, if the petitioner surrenders before the



court below within a period of four weeks from today and prays
for regular bail, the same shall be considered by the court below
in accordance with law without being prejudiced by the order of
this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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