

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84656 of 2023

Arising Out of PS. Case No.-275 Year-2023 Thana- MADHUBANI TOWN District-
Madhubani

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Rohit Mishra S/O Raj Kumar Mishra Resident Of Mohalla- Bhowara,
Kotwali Chdowk, Town And P.S. And District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP
For the Informant	:	Mr. Prabhash Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner, learned
Additional Public Prosecutor for the State and learned counsel
for the informant.

2. The petitioner is apprehending his arrest in connection
with Madhubani Town P.S. Case No. 275 of 2023/G.R. No.
1548 of 2023 for the offence punishable u/s 384, 420 and 506
of the Indian Penal Code and Section 66 of the I.T. Act.

3. As per the prosecution case, the petitioner morphed the
photographs of the married daughter of the informant and
uploaded it on Facebook account and also sent same to the
mobile numbers of the relatives and friends of the informant.
Further allegation is that he was also demanding money.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner used to visit the residence of the informant in connection with his preparation for competitive examination and in due course developed intimacy with his family members. Father of the petitioner is a supplier of building materials. Informant lifted building materials worth Rs. 2,73,000/- and also took advantage of his relationship with the petitioner used his vehicle and took monetary help from him for marriage of his elder daughter but the informant did not repay the same. For this reason the petitioner filed a complaint petition against the informant and his family members on 05.04.2023 before the learned Chief Judicial Magistrate, Madhubani in which cognizance under Sections 406, 504 and 506 of the Indian Penal Code has been taken. The offences as mentioned in the FIR are not applicable in the fact and circumstances of the case. There is no material to show that any objectionable photograph or message was ever sent through the mobile phone of this petitioner either to the informant or any of his relations. The petitioner has got no antecedent.

5. Learned A.P.P. for the State and learned counsel appearing for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner. Learned counsel for



the informant submits that the witnesses examined during course of investigation have stated about petitioner sending objectionable photographs. The informant has submitted a number of documents which are print out from Facebook, Instagram, Telegram etc. with his affidavit and these documents show the perverse and criminal nature of the acts of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegation against the petitioner, I do not think it is a fit case for grant of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected

(Arun Kumar Jha, J)

Prakash/-

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