

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28978 of 2025

Arising Out of PS. Case No.-614 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Vikash Kumar @ Vikash Tiwari son of Sudhir Tiwari Resident of village -
Mathnamal, Ps- Garoul, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-05-2025 Heard Mr.Abhishek Kumar, learned counsel for the

petitioner and Mr.Dinesh Singh, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Motihari Town P.S. Case No.614 of 2023, dated
15.09.2023 registered for the offences punishable under
Sections 354,354(D),447,504,506,34 of IPC and Section 67 of
I.T.Act.

3. Allegation against the petitioner is to viral
objectionable photographhs of the informant's daughter Nisha
Pathak with a view to defame the informant, her daughter Vicky
Kumari @ Nisha Pathak and her husband through electronic
media.



4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that for the same set of allegation the informant had already filed another case bearing Motihari Town P.S.Case No.103 of 2023 against the petitioner and from a bare perusal of the FIR of Motihari Town P.S.Case No.103 of 2023 and Motihari Town P.S. Case No.614 of 2023, it appears that the same allegation mentioned in both the FIRs against the petitioner. Learned counsel for the petitioner submits that in fact the informant's daughter is wife of the petitioner and petitioner had already filed a Restitution Case No.39 of 2024 for restitution of conjugal rights (Annexure-2 series) against the informant and annexed the ordersheet of the Restitution Case No.39 of 2024 which suggests that the informant has received the notice.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.



6. Considering the aforesaid facts, the informant has filed two cases for the same set of allegation against the petitioner and informant's daughter is the wife of the petitioner and petitioner had already filed a Restitution Case No.39 of 2024 for restitution of conjugal rights (Annexure-2) against the informant which is pending for consideration before the competent court of law, 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 Chief Judicial Magistrate, East Champaran at Motihari in connection with Motihari Town P.S. Case No.614 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 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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