

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43426 of 2025

Arising Out of PS. Case No.-219 Year-2025 Thana- PHULWARISHARIF District- Patna

Shubham Kumar @ Avinash Kumar S/o Late Jitendra Prasad Village-
Mahangupur, P.O.- Chiraura, P.S.- Janipur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh
For the State : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 17-10-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Phulwarisarif Police Station Case No. 219 of 2025, dated 08.02.2025, disclosing offences under Section 78 of the Bhartiya Nyaya Sanhita and Section 67 (A) of the Information Technology Act.
3. The prosecution case, as per the First Information Report, is that the petitioner, by making several calls from his mobile phone, created nuisance and harassment to the informant's daughter. It is further been alleged that the petitioner's conduct caused the cancellation of the proposed marriage of his daughter and he has also posted several photographs on Facebook.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence as alleged. It was the victim girl herself who instigated and compelled the petitioner, under threat of committing suicide, to make mobile call to the boy with whom her marriage was arranged and she even provided the number through Whatsapp, which would be evident from Annexure-2. He next submits that there was love affair between the petitioner and the victim girl and upon getting information about her marriage, the petitioner restrained himself from any further contact. He further submits that the photographs, which has been shared on social media, were normal and not objectionable. He also submits that no offence under Section 67(A) of the IT Act is made out, and alleged offence under Section 78 of the Bhartiya Nyaya Sanhita is bailable.
5. Having regard to the submissions made on behalf of the parties and taking into consideration the circumstances of case, nature of offence and justification advanced by learned counsel for the petitioner, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.



7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge IV -cum- Additional Chief Judicial Magistrate, Patna, in connection with Phulwarisarif (Janipur) Police Station Case No. 219 of 2025, subject to the condition laid down under Section 482 (2) of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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