

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86209 of 2024

Arising Out of PS. Case No.-16 Year-2023 Thana- MAHILA PS District- East Champaran

1. Santosh Kumar son of Ramakbal Mahto Resident of Village - Bahadupur, P.S. - Kundwa Chainpur, District - East Champaran
2. Ramakbal Mahto @ Ram Ekbal Mahto Son of Jagdev Mahto Resident of Village - Bahadupur, P.S. - Kundwa Chainpur, District - East Champaran
3. Lalita Devi Wife of Ramakbal Mahto Resident of Village - Bahadupur, P.S. - Kundwa Chainpur, District - East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar bihar
2. Anchala Kumari Wife of Santosh Kumar village- Nagdaha Purnahiya, Ps- Ghorasahan Dist- East champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Madhurendra Kumar, Adv
For the Opposite Party/s :	Mr.Rajiv Nayan, APP
For the Informant	Mr. Abhishek Kumar, Adv

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 08-05-2025 Heard learned counsel for the petitioners, learned counsel for the Informant and the State.

2. Petitioners are apprehending their arrest in a case registered for the offences punishable under sections 67 of I.T Act.

3. The allegation in the FIR on behalf of the informant is that her husband and her in-laws had committed torture upon her due to which she had filed a case under section 498A of the I.P.C and subsequently, there is further allegation against the husband that he created a fake Face Book I.D and was writing



bad and obscene comments in order to defame the informant and her mother since 29.05.2022.

5. Learned counsel for the petitioner submits that it would be evident from the FIR itself, that the allegation is against the petitioner is of indulging in the fake Face Book I.D since 29.05.2022 and the present FIR has come to be lodged on 21.03.2023. It has also been submitted that the informant even after filing the case under section 498A has further filed the present case in order to keep the petitioners involved in criminal cases. However, there is no digital evidence collected during the course of investigation to support the allegation of the informant and if, at all, any such evidence has been produced on behalf of the informant, the same is not supported by any certification under section 65B of the Evidence Act.

6. So far as the petitioner nos. 2 and 3 are concerned, they are father-in-law and mother-in-law of the informant and there is no specific allegation against them in the present FIR but for assisting petitioner no. 1.

7. The learned counsel for the informant opposes the prayer for anticipatory bail.

8. Taking into consideration the facts that the informant is wife of petitioner no. 1 and other two petitioners are in-laws



and the petitioner has already been made accused earlier under section 498A of the I.P.C., I am inclined to grant privilege of anticipatory bail to the petitioners. Accordingly, in the event of their arrest/ surrender within a period of four weeks from today the petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in connection with Mahila P.S. Case No. 16 of 2023, subject to condition as laid down under section 438(2) of the Cr.PC and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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