

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70949 of 2022**

Arising Out of PS. Case No.-1 Year-2022 Thana- MAHILA P.S. District- Siwan

Nikesh Ram Son of Baleshwar Ram Resident of Village - Hasanpurwa Tola,  
Rampur, P.S.- Hussainganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajiv Ranjan, Advocate  
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      17-03-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Mahila  
P.S. Case No. 01 of 2022 registered for the offence under  
Sections 341, 506 and 34 of the Indian Penal Code (for short  
'I.P.C.') and under Sections 67 and 67(A) of the Information  
Technology Act (for short 'I.T. Act').

The accused/petitioner is named in the F.I.R. and is in  
custody since 04.09.2022.

The allegation against the petitioner is to send vulgar  
text messages through whatsapp to the daughter of the  
informant and her brother and also advanced threat to upload



her nude photograph on social media, as facebook.

Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated in this case arises out of neighbourhood disputes and differences. It is submitted that the mobile through which alleged messages were sent through whatsapp not belongs to this petitioner and, as such, entire allegation is appearing false on its face. It is also pointed out that the present F.I.R. was lodged on 05.01.2022 with a delay of about one and a half month, where alleged occurrence took place on 19.11.2021, without having any just explanations, only suggesting the oblique motive of the informant and false implication. It is also pointed out that the charge-sheet in this case has submitted without obtaining the mandatory certificate, as required under Section 65(B) of the Indian Evidence Act, as entire implication is based upon electronic evidence. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP for the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above, as F.I.R. was lodged after one and a half month of the occurrence coupled with the fact that charge-sheet has submitted without obtaining mandatory certificate, as required under Section 65(B) of the Indian Evidence Act, where entire allegation is appears to be founded over electronic evidence, let the petitioner, above named, is directed to be released on bail in connection with Mahila P.S. Case No. 01 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Siwan/concerned Court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

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