

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60732 of 2022

Arising Out of PS. Case No.-536 Year-2021 Thana- NAGAR District- Vaishali

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BIPUL KUMAR Son of Ashok Singh Resident of village - Jandaha, Nim Chowk, Arniya, Ward No.- 11, P.S.- Jandaha, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Mrs. Vaishnavi Singh
For the Opposite Party/s :		Mr. Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-01-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Hajipur Town P.S. Case no.536 of 2021, registered for the offence punishable under Sections 67, 67(A) of the Information Technology Act.

The allegation against the petitioner is that he transmitted obscene photo of the informant on facebook after putting sticker on her photo. It is further alleged that the informant also made complain to D.M. Office, Mahila helpline but inspite of the same he used to transmit photo viral on various mobile numbers.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The petitioner has not



made any obscene photo of the informant viral either from his social media account or from his phone number nor from his email account. He further submits that no offence either under section 354 and 376 of the IPC or section 67, 67A of the IT Act will be made out against the petitioner. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail by submitting that there is specific allegation against the petitioner to transmit photo of the informant through his social media account.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, if the petitioner surrenders before the learned court below within four weeks, from today, learned court below shall pass the order, preferably on the same day, in accordance with law.

Accordingly, this application is dismissed.

(Anjani Kumar Sharan, J)

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