

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1617 of 2016

Arising Out of PS.Case No. -566 Year- 2015 Thana -KOTWALI District- PATNA

Sanjay Dutta son of Kanai Chandra Dutta Khan, resident of “Ram Pyari Bhawan”, Mannulal Road, Mithapur, Police Station-Jakkanpur, Town and District-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kanhaiya Prasad Singh, Sr. Advocate
With Mr. Rajiv Nayan Singh

For the Opposite Party/s : Mr. Khurshid Anwar(APP)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 23-02-2016 Heard learned counsel for the petitioner and learned Additional Public Prosecutor, appearing on behalf of the State.

This application arises out of Kotwali, Patna P.S. Case No. 566 of 2015, disclosing offences under Sections 354, 354D of the Indian Penal Code.

From the First Information Report, it appears that the police received an information that girls of Patna Women’s College were receiving objectionable messages on whatsapp through a Mobile number 9304025918. The Photograph of the petitioner appeared as Photo I.D of whatsapp through which the messages were said to have been sent to the whatsapp of the girl students of the College. An enquiry was conducted and subsequently the First Information Report came to be instituted

against him.

Learned Senior Counsel, appearing on behalf of the petitioner, referring to the contents of the First Information Report, submits that there is absolutely no material to connect this petitioner with the allegation of sending messages through his mobile as the said mobile number has not been found to be belonging to the petitioner. He has further submitted that even the informant failed to have any specific information that the petitioner sexually harassed any girl student of the College. He contends that the allegation that the petitioner had been chasing an unidentified student of the college itself is vague. In any event, he submits, there is no chance that the petitioner would be tampering with the evidence and he is ready to cooperate with the police in investigation on each and every stage of the trial.

I find force in the submissions advanced on behalf of the petitioner after having gone through the First Information Report. Accordingly, this application is allowed.

Let petitioner above-named in the event of his arrest/surrender within four weeks from today, in the Court below 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 the learned Chief Judicial Magistrate, Patna in

connection with Kotwali P.S. Case No. 566 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled

(Chakradhari Sharan Singh, J)

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