

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37505 of 2015

Arising Out of PS.Case No. -1 Year- 2015 Thana -PIPRAKOTHI District-
EASTCHAMPARAN(MOTIHARI)

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Jai Shankar Srivastava S/o Late Umashankar Prasad Sirvastava R/o Village
- Ranjanpur, p.s. - M.H.Nagar, Hasanpur, District - Siwan. At present S.I.
S.S.B., 13 Batallian Pipra Kothi, p.s. - Pipra Kothi, District - East
Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha

For the Opposite Party/s : Mr. Smt.Pushpa Sinha (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 03-02-2016 Heard learned counsel, appearing on behalf of the

petitioner, and the learned Additional Public Prosecutor,

appearing on behalf of the State.

This application for grant of anticipatory bail arises
out of Pipra Kothi P.S. Case No. 1/2015, disclosing offences
under Sections 66(A)(a), 66(A)(b), 66-A(c) of the Information
Technology Act.

The petitioner is posted in Seema Sasatra Bal, 13
Battalion, at Pipra Kothi as Sub Inspector. The informant is
posted in the same Battalion, as a Constable. The allegation is
that the petitioner sent vulgar messages through SMS on the
informant's cellphone.



Learned counsel for the petitioner submits that institution of the criminal case against the petitioner is malicious and is a part of a conspiracy hatched up to get the petitioner transferred from the said place. He also submits that in any view of the matter, keeping in view the nature of allegation and the status of the petitioner as a Government servant, there is neither any likelihood of tampering with the evidence nor any chance of the petitioner fleeing from the course of investigation or trial.

I find force in the submissions so made by the learned counsel for the petitioner for the purpose of present application. This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of his arrest/ surrender before the court below within six weeks from today, 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 Chief Judicial Magistrate, East Champaran at Motihari in Piprakothi P.S.Case No. 01/2015, 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 petitioner 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.

Surendra/-

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(Chakradhari Sharan Singh, J)