

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9837 of 2019

Arising Out of PS. Case No.-123 Year-2018 Thana- LAKHISARAI District- Lakhisarai

SANTOSH KUMAR Son of Late Mahendra Bhagat R/o village- Naya Tola,
Purani Bazar, Lakhisarai, P.S- Lakhisarai, District- Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pandey

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-02-2019

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Lakhisarai (Kabaiya) P.S. Case No. 123 of 2018 for the offence under Sections 153(A), 294(A), 295, 295(A), 499, 505(2) of the Indian Penal Code and Section 66/66(A) of the Information Technology Act, 2000.

The allegation against the petitioner is that through whatsapp's message, he attempted to spread rumour of recovery of certain jewellery in course of excavation being carried out by the Archaeological Department, Government of India.

Learned counsel for the petitioner has submitted that the only allegation against the petitioner is that he had forwarded a message, which he had received from someone



else, to few of his acquaintances. It is also being argued that considering the nature of accusation, there is no chance of tampering with the evidence.

Learned counsel for the petitioner has further submitted that the petitioner is ready to hand over his mobile phone to the police, through which the said message was sent, for the purpose of investigation.

Considering the aforesaid submission, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six 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 C.J.M., Lakhisarai in Lakhisarai (Kabaiya) P.S. Case No. 123 of 2018, 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.



The petitioner shall be required to hand over his mobile phone to the Officer In-charge of Lakhisarai Police Station within one week for the purpose of investigation, which shall be returned back by the Officer In-charge once the requirement of the said mobile phone for the purpose of investigation is over. If the petitioner does not comply with this part of the order, the prosecution shall be at liberty to apply before this Court for cancellation of his bail.

(Chakradhari Sharan Singh, J)

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