

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65178 of 2018

Arising Out of PS. Case No.-309 Year-2018 Thana- RAMPUR District- Gaya

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Anshu Kumar @ Prakash Kumar S/o Ajay Yadav @ Ajay Kumar, R/o
Village- Lakshmi Nagar, Road No. 2, P.S.- Rampur, District- Gaya.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-02-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 354 of the Indian Penal Code and Section 66 of
the Information & Technology Act registered in connection with
Rampur P.S. Case No. 309 of 2018.

3. It is submitted that the petitioner has been falsely
implicated and as a matter of fact, the parties were known to each
other since past as evident from the averment in the FIR to the effect
that the petitioner was using mobile phone of the informant herself. It
is submitted that in any event, ingredients of the offence alleged
under Section 66 of the Information and Technology Act are not
made out. It is stated in the FIR that the petitioner has been troubling
the informant for about a year but in respect of which no complaint
was filed. The petitioner claims clean antecedents.

4. Learned APP on the basis of the case diary opposes the
anticipatory bail petition.

5. Be that as it may, in the event of the petitioner's arrest
or surrender before the court below within six weeks from the date of



communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 309 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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