

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16830 of 2019

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Avinash Kumar S/o Awadh Kishor Singh, resident of village- Vishunpur Chak
Pahar, P.O.- Bangra Nizamat, P.S.- Shahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Dept. of Art. Culture and Youth Development,
Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
4. The Secretary, Deptt. of Information Technology, Govt. of Bihar, Patna.
5. The Director General of Police, Bihar, Patna.
6. The Chairman, Bhojpuri Academy, Deptt. of Education, Bihar, Patna.
7. The Chairman-cum-Managing Director, Bihar State Film Development and
Finance Corporation Ltd., Patna.
8. Union of India, through its Secretary, Ministry of Information and
Broadcasting, Govt. of India, New Delhi.
9. The Secretary, Deptt. of Electronics and Information Technology, Govt. of
India, New Delhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Verma, Adv.
For the Respondent/s	:	Mr.Raghwanand, GA 11
		Mr. Prabhat Kumar, AC to GA 11
		Mr. Satyavrat Verma, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

2 27-08-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is a law student is feeling
upset and aggrieved in the manner, the vulgar song is being
played and also displaying obscene video in the public place and



public carrier. Of course, it is very offending and any citizen will feel affected by such naked behaviour.

The identical matter came for consideration before this Court in C.W.J.C. No.5557 of 2016, Sandeep Kumar and others vs. State of Bihar and others and this Court, vide order dated 13.05.2016, disposed of the matter and in view of the statement made in the counter affidavit, the Court has found proper action to be taken by the State of Bihar, but the liberty was given to the petitioners that if the order is not carried out properly, they may approach this Court. The relevant portion is quoted herein below:-

“A counter affidavit has been filed on behalf of the respondents, wherein it has been stated that necessary steps have been taken to check the sale of obscene CDs and Videos. In this connection, raids have been conducted and a large number of CDs and Videos have already been seized. It is further stated that as many as four cases, namely, Pirbahore P.S. Case Nos.301 of 2011, 338 of 2011, 445 of 2013 and 304 of 2014, have been instituted and even charge sheets have been submitted in three of the four cases. Furthermore, a direction has been issued to all the



Superintendents of Police, vide letter, dated 12.5.2015, issued by the Additional Director General of Police (Weaker Section), C.I.D., Bihar, to ensure that the public carriers, like Auto Rickshaw, City Bus Service, long distance buses, do not play vulgar songs, which may embarrass the general public, particularly, the girls and women. A copy of the letters, dated 19.2.2013 and 12.5.2015, are annexed as Annexure-A and B to the counter affidavit”

In the counter affidavit assurance of suitable action in the matter had been given in many words, but still the petitioner submits that position is same, the similar type of activity is going on without any hindrance.

Let the petitioner approach the District Magistrate, Patna as well as Senior Superintendent of Police, Patna and both of them will take suitable joint action so that this menace can be controlled and there should not be displayed of vulgar video in the public centric place or public carrier as well as vulgar song should not be played in public place and in public carrier. If the petitioner approaches the aforesaid authority, it is expected from the district administration that they would come with suitable action plan without any unnecessary delay.



With the above observation and direction, this petition
is disposed of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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