

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58276 of 2019

Arising Out of PS. Case No.-102 Year-2019 Thana- MAKER District- Saran

CHANDRA BHUSHAN KUMAR @ CHANDRA BHUSHAN PRASAD Son
of Birendra Singh @ Birendra Kumar Singh Resident of Village-West
Thahara, P.S. and P.S.-Maker, District-Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Singh, Advocate.
For the Opposite Party/s : Mr.Ramesh Chandra, APP
Mr. N.A.Shamsi, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-11-2019 The petitioner apprehends his arrest in connection with
Maker P. S. Case No. 102 of 2019 registered under Sections
292, 293, 294, 500, 506 and 509 of the Indian Penal Code and
67A of the Information Technology Act.

Allegation against the petitioner is that he entered into the
house of the informant and took a semi-nude photo and got it
viral.

Learned counsel appearing on behalf of the petitioner
submits that petitioner has falsely been implicated in this case
with oblique motive. He further submits that during the course
of investigation, no material has come against the petitioner that
he published or transmit or caused to be published or
transmitted in the electronic form any material which contains



sexually explicit act. Learned counsel further submits that all sections of the Indian Penal Code registered against the petitioner are bailable, except Section 67A of the Information Technology Act which is not attracted in the facts of the case.

Mr. N.A.Shamsi, learned counsel appearing on behalf of the informant vehemently opposes the prayer for anticipatory bail and submits that act of the petitioner of entering into the house of the informant and taking semi nude photograph itself is heinous act as such petitioner does not deserve privilege of anticipatory bail.

Having regard to the submissions made by the parties and taking into consideration the fact that all sections of Indian Penal Code levelled against the petitioner are bailable and on the facts of the case, section 67A of the Information Technology Act is not attracted inasmuch as there is no material to show that petitioner published or transmitted in electronic form any material containing sexually explicit act I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties



of the like amount each to the satisfaction of the learned CJM,
Saran in connection with Maker P.S.Case No. 102 of 2019;
subject to condition as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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