

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8128 of 2020

Arising Out of PS. Case No.-316 Year-2019 Thana- PAHARPUR District- East Champaran

Afsar Alam Son of Md. Hasan Miyan @ Md. Hasan, Resident of Village -
Siswa Bazar, P.S.- Paharpur, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Sanjay Kumar No 7, Advocate
For the Opposite Party : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 03-03-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioner is apprehending arrest in connection with Paharpur P.S. Case No. 316 of 2019 for offences under Sections 354©, 295(A) and 34 of the Indian Penal Code and Section 67 of the I.T. Act.

Learned counsel for the petitioner submits that the petitioner has no criminal antecedent. Learned counsel submits that the petitioner is running a Coaching Institute.

It is alleged that boys, who are undergoing coaching in the Institute, have taken photographs of girls and have made viral a photograph of the girl. The tenor of the message and whats-App falls in the category of inciting communal disharmony. The petitioner claims that he has been made



accused at the instance of Rajesh Kumar, Manager of Skill Development Centre.

Considering the fact that there is no specific allegation against the petitioner, this Court is inclined to grant bail to him. Let petitioner, above-named, in the event of arrest or surrender within one month from today, be released on bail on furnishing bail bond of Rs. 50,000/- (Rupees fifty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Motihari, East Champaran in connection with Paharpur P.S. Case No. 316 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C but at the same time, petitioner is to be cautious that his Institute will not be available as a platform of disturbing peace and students of his Institute may not use whats-App to disturb communal peace and harmony and if it is found that his Institute is used as a platform to create communal disharmony in future, the petitioner shall be personally liable for the same and in that event the court below shall be at liberty to cancel his bail bond.

(Anil Kumar Upadhyay, J)

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