

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20770 of 2020**

Arising Out of PS. Case No.-151 Year-2019 Thana- ASHOK PAPER MILL District-
Darbhanga

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SAIYED AZFAR ALI RIZVI @ SANJU S/o Syed Rashid Abbas Resident of
Village- Chandanpatti, Hayaghat, Ward No.4, P.S.- Ashok Paper Mills, Distt-
Darbhanga. (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra

For the Opposite Party/s : Mr.Uday Pratap Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 15-07-2020 The Court proceeding has been conducted

through virtual mode.

Since the physical court proceeding is non-

functional due to the present pandemic COVID-19, the

matter is listed with defects.

Learned counsel for the petitioner undertakes to

remove the defects within three weeks of the resumption

of the physical Court proceedings.

In case of non-removal of the defects within

undertaken period, the office shall place the matter

before the bench.



Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 448, 354(C), 354(D), 504, 506, 34 of the Indian Penal Code, 1860 and Section 66(A) of the Information Technology Act, 2000.

The prosecution case as per the written report of Syed Ali Abbas submitted to the SHO, Patore O.P. Police Station is to the effect that on 11.09.2019 to 22.09.2019 the petitioner, who runs a cyber-cafe, posted on social media obscene photographs of the daughter of the informant. Earlier also, the petitioner used to make assault to the daughter and son of the informant and make a snapshot of the daughter of the informant.

It is submitted by learned counsel for the petitioner that for the occurrence of 11.09.2019 to 22.09.2019, the F.I.R was registered on 26.10.2019.



There is no documentary proof brought on record to suggest the accusation under Section 66A of the I.T. Act which has been declared ultra vires much prior to the registration of the F.I.R.

A statement has been made in para 3 of the petition that petitioner is not having any criminal antecedent.

Considering the delayed lodging of the F.I.R and the petitioner is not having any criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks, be released on provisional anticipatory bail for a period of three months on furnishing one surety to the satisfaction of learned Additional Chief Judicial Magistrate, Vth, Darbhanga in connection with Ashok Paper Mills (Pator O.P.) P.S. Case No. 151 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

However, in view of the present pandemic



COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Vth, Darbhanga in connection with Ashok Paper Mills (Pator O.P.) P.S. Case No. 151 of 2019 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.



Accordingly the present application stands
disposed of.

(Dinesh Kumar Singh, J)

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