

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL Miscellaneous No. 21789 of 2020**

Arising Out of PS. Case No.-14 Year-2020 Thana- Mokama District- Patna

Niranjan Kumar, aged about 30 years, Male, S/o Ram Sohan Singh, resident of Village Horil Bigha, P.S. Daniyawan, District Patna.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                                                                                     |
|--------------------|---|-------------------------------------------------------------------------------------|
| For the Petitioner | : | Mr. Sanjay Singh, Adv.,<br>Mr. Vijay Anand, Adv. and<br>Mr. Binay Kumar Sinha, Adv. |
| For the State      | : | Mr. Jitendra Kumar Singh, APP                                                       |

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL ORDER**

2      15-07-2020                      Filing through email of the present application has been accepted in view of the out-break of COVID-19 Pandemic and has been posted before me for hearing through video conferencing.

The application is apparently not in accordance with the provisions prescribed under the Patna High Court Rules, which do not contemplate filing of application through email. In spite of that, considering the extra-ordinary situation, filing of the present application has been allowed through email.

Considering the situation prevailing, the Court has considered, for the present, to ignore the deficiency in filing of the application.

Heard Mr. Sanjay Singh, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned Additional Public Prosecutor for the State.



The petitioner seeks pre-arrest bail in connection with Mokama P.S. Case No. 14 of 2020 registered under Section 354 of the Indian Penal Code and Sections 66, 66E, 67, 67A and 67B of the Information and Technology Act, 2000.

It is submitted by learned counsel for the petitioner that the allegations made in the FIR are either bailable or do not attract the ingredients of the offences punishable under Sections 67A and 67B of the Information and Technology Act. It is further contended that there is no allegation of publishing or transmitting material depicting children in sexually explicit act, etc., in electronic form.

Referring to the statement made in para 3 of the application, it is submitted that the petitioner has got no criminal antecedent and being an ambulance driver, during this Pandemic period, his services are required outside the jail and no useful purpose will be served by sending him to jail.

Opposing the prayer for grant of pre-arrest bail to the petitioner, learned counsel appearing for the State submitted that the informant has alleged that a porn site link was sent on her WhatsApp number by the petitioner from his mobile. He contended that the allegations made would certainly attract the ingredients of the offence punishable under Section 67A of the Information and Technology Act and, thus, the petitioner is not entitled for grant of pre-arrest bail.



Regard being had to the nature of allegation, the submissions advanced at the bar and the pleadings made in para 3 of the application that the petitioner has got no criminal antecedent, in the event of his arrest or surrender, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Barh in connection with Mokama P.S. Case No. 14 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since, there is a State wide lockdown, the Court has considered it appropriate to adopt the following procedure for communication of the present order :-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me on my email by the Senior Secretary.
- (ii) The corrected copy of the order shall be transmitted by me from my email id to the Senior Secretary, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) The said order shall be communicated to the Court for

ie Senior Secretary through email.



- (v) Let a copy of the order be sent to Mr. Vijay Anand, learned counsel for the petitioner also on his email
- (vi) Let steps be taken by the registry for up-loading of the present order without compromising with the norms of social distancing.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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