

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61297 of 2019

Arising out of PS. Case No.-39 Year-2019 Thana- MAHILA P.S. District- Samastipur

Kanhaiya Kumar, aged about 25 years, Son of Arvind Kumar Resident of Mahsaura, P.S-Ramgarh Chock, District-Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bharti Kumari, aged about 22 years, F, Wife of Nitin Kumar Resident of Ahmadpur, P.S-Sarairanjan, District-Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amresh Kumar Sinha, Advocate
For the Informant	:	Mrs. Renuka Sharma, Sr. Advocate
	:	Mr. Rakesh Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

4 04-03-2020 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner apprehends arrest in connection with Mahila P.S. Case No. 39 of 2019 dated 03.07.2019 instituted under Sections 354 and 506 of the Indian Penal Code and Sections 67 and 67(A) of Information Technology Act, 2000 (hereinafter referred to as the 'IT Act').

3. Earlier by order dated 01.10.2019 the Court had granted provisional anticipatory bail to the petitioner. The petitioner is accused of sending of indecent messages on various mobile numbers of the informant and her family members.

4. Learned counsel for the petitioner submitted that the allegation is false as admittedly they were on talking terms



and used to converse on the phone before marriage of the informant. It was submitted that the maternal grandfather of the informant had some business dealing with the father of the petitioner and money was also taken by the maternal grandfather of the informant for her marriage and he has also lodged a case in which the name of the petitioner figured but it is not connected with the present case. Learned counsel submitted that with regard to the mobile numbers disclosed in the FIR only three belong to him and from the same no such message or photograph was ever sent. Learned counsel further submitted that informant has filed the case at the instance of her maternal grandfather for oblique reasons. It was submitted that Section 67 is bailable under the IT Act.

5. Learned APP, from the case diary, submitted that from the mobile of the petitioner indecent messages were sent. It was further submitted that the police has also verified it from the CDR records of the numbers disclosed in the FIR.

6. Learned counsel for the informant, who has also filed a counter affidavit, submitted that from the personal mobile of the petitioner, messages were received which has been brought on record. It was submitted that the same indicate that the petitioner was harassing the informant and sending messages



which were highly objectionable and indecent. It was further submitted that even after the Court having granted him indulgence of provisional bail, still he has posted objectionable messages which is clearly a misuse of such privilege.

7. However, learned counsel for the petitioner denied the same.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the application stands dismissed.

9. The bail bonds of the petitioner stand cancelled. He shall surrender before the Court below within two weeks from today failing which the Court below shall take all steps for arrest of the petitioner.

(Ahsanuddin Amanullah, J)

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