

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2689 of 2020

Arising Out of PS. Case No.-408 Year-2018 Thana- BANIAPUR District- Saran

SANJAY RAM, Son of Ramesh Ram, Resident of Village - Thakth Bhithi,
P.S.- Baniapur, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 354 of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case got initiated on the basis of written report of Bhriagu Ram submitted before the Station House Officer, Baniyapur Police Station is to the effect that his neighbour Sanjay Ram made viral some objectionable video and photographs of his daughter through Whatsapp and Facebook. When the informant asked the petitioner to delete such photographs from the social media, he started abusing him. Subsequently, on 10.11.2018, five FIR names accused persons,



including the petitioner came at the house of the informant and abused him.

It is submitted by learned counsel for the petitioner that there is no proof with regard to posting of obscene photographs on social media by the petitioner. Moreover, even assuming the accusation to be true, no offence under Section 354 of the I.P.C. is made out, which dealt with assault or criminal force to woman with intent to outrage her modesty. It is further submitted that offences under Sections 3 and 4 of the POCSO Act is also not made out, as Section 3 of the said Act deals with penetrative sexual assault whereas Section 4 of the said act deals with punishment for penetrative sexual assault. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation is specific against the petitioner.

Considering the nature of accusation and statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond



of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ADJ-I-cum-Special Judge, Saran at Chapra, in connection with Baniapur P.S. Case No.408 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The concerned police station will examine the conduct of the petitioner and will submit a report in the Court of learned ADJ-I-cum-Special Judge, Saran at Chapra and if it is found that the petitioner's behavior is not unworthy, then the provisional anticipatory bail will be confirmed by the learned Court below.

(Dinesh Kumar Singh, J)

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