

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3328 of 2020

Arising Out of PS. Case No.-67 Year-2019 Thana- MAHILA P.S. District- Siwan

1. Vivek Gupta @ Vivek Kumar S/o Pradeep Gupta
 2. Aman Gupta @ Aman Kumar S/o Pradeep Gupta
 3. Pradeep Gupta @ Pradeep Kumar Gupta @ Pradeep Kumar S/o Ramawtar Gupta
- All are residents of village- Thepha Bazar, P.S.- Jiradei, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 06-07-2020 This matter has been taken up through Video Conferencing.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341/323/354B of the Indian Penal Code and Section 66(C)/67(A)/67 of the I.T. Act.

It appears that for occurrence of 07.08.2019 petitioner Vivek Kumar had lodged Jiradei P.S. Case No.83 of 2019 against the father of the informant of the present case. In the background of the aforesaid FIR, the present FIR was



lodged on 07.09.2019 for the occurrence which allegedly took place on 05.08.2019.

Allegation is that the informant aged about 24 years had given her mobile phone to petitioner Vivek Gupta for downloading songs. Vivek Gupta handed over the mobile phone to the informant and it is alleged that Vivek created some sexual coloured photographs of the informant and sent it to her brother on mobile phone.

Since there is no direct material that whatever was there was result of some misdeed of Mr. Vivek Gupta as well as considering the unexplained delay in lodging of the present FIR in the background of earlier FIR lodged by one of the petitioner as well as considering the fact that petitioners have got no criminal antecedent, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Siwan Mahila Police Station Case No.67 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as



condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

The petitioners shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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