

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26698 of 2020

Arising Out of PS. Case No.-322 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

MANISH KUMAR S/o Upendra Singh Resident of Village-Saidanpur, P.S.-
Gaurichak, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 11-01-2021 Heard the parties.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 506, 499 and 504 of the Indian Penal Code and Section 66(A) of the I.T. Act.

From three mobile numbers referred in the F.I.R., call was made to the informant as well as to his wife and the caller was threatening on the life of the informant and his wife. On one occasion, the daughter of the informant picked up phone and the caller started threatening her and blackmailing her for the reason that photograph of the girl was with the caller. The victim and her parents have supported the aforesaid allegation before the police. During investigation, it revealed that all the three numbers were of the petitioner.



Learned counsel for the petitioner submits that the matter appears to be of love affairs. Petitioner has got no criminal antecedent. Offences under Sections 506, 499 and 504 of the Indian Penal Code are bailable and offence under Section 66(A) I.T. Act is not applicable on the basis of allegation, hence the petitioner deserves prayer for anticipatory bail.

No doubt, there is no allegation of sending any obscene message, hence offence under Section 66(A) I.T. Act is, prima facie not attracted. Other offences of Indian Penal Code alleged are bailable, hence this prayer for anticipatory bail is not maintainable. Accordingly, this application stands dismissed.

In the event of surrender of the petitioner, the court below shall examine whether any other offence under Indian Penal Code is made out or not and shall pass necessary order according to law.

(Birendra Kumar, J)

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