

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32630 of 2023

Arising Out of PS. Case No.-313 Year-2021 Thana- RUPASPUR District- Patna

Arvind Kumar Son of Chandrashekhar Prasad Resident of Village- Sorangpur
Ramkrishna Nagar, Ps- Ramkrishna Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 27-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a
period of four weeks from today.

3. The petitioner seeks bail in connection with
Rupaspur P.S. Case No. 313 of 2021 registered for the offence
under Sections 354-D, 509 of the Indian Penal Code alongwith
Section 12 of the POCSO Act and Section 66-E of the I.T. Act.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 12.02.2023.

5. As per F.I.R., some unknown persons have
uploaded personal photographs and videos of the daughter of
informant through fake Instagram profile in the name of
'Sanskar' and has made objectionable and obscene photographs



of minor daughter of informant viral, where during the investigation it appears that IP (Internet Protocol) number of said Instagram profile stands in name of this petitioner.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is Senior Executive Officer of CSC (Common Services Centre) of Digital Choupal and was engaged in providing Wi-Fi connections to villages under Government of India Scheme, where by making connection through hotspot, some mischief happened with his I.P. It is further submitted that the mobile alleged to be used for opening the said Instagram account through which objectionable and obscene photographs of minor daughter of informant were uploaded to social media belong to co-accused, namely, Indrajeet Kumar, who has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 35028 of 2023 vide order dated 07.07.2023. Learned counsel further pointed out that this is not a case with Sections 4 & 5 of POCSO Act 2012 and it was misread out of handwriting, where “u/s” create an impression of “4/5”. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such,



there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, and by taking note of fact as implication of petitioner appears, *prima facie*, being Senior Executive Officer of Wi-Fi service provider under Government of India Scheme, who is a man of clean antecedent, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 12.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Rupaspur P.S. Case No. 313 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VII-cum-Exclusive Special Court (P.O.C.S.O. Act), Patna/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

9. The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

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