

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40554 of 2023

Arising Out of PS. Case No.-172 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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Aman Kumar Gupta, Son Of Rajesh Gupta Resident Of Village- Station
Chowk, Gandak Road, Ps- Bettiah Town, District- West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Jagdhari Prasad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-08-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 379, 420, 509 of the Indian Penal Code and Section
66(E) of the I. T. Act.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant, who is an Army Personnel, alleges that he used to
receive offensive call from numbers as detailed in the F.I.R., on
the mobile of his mother and sister-in-law on account of which,
all the mobile numbers of his family members were changed. It
is next alleged that recently, he has seen an obscene photograph



of his sister sent on his Messenger ID from the ID of Singh Priyanka and Priyanka Kumari. It is next alleged that sender used to threatened that he will viral the photograph on Facebook and will not allow solemnization of the marriage of his sister.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated based on suspicion. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the offensive messages, which were received on the mobile of his mother and sister-in-law were being sent about two years ago, but then, at that time, no F.I.R. was instituted. It is further submitted that when obscene picture of his sister was viewed by the informant on his Messenger ID as detailed in the F.I.R., the present F.I.R. came to be instituted. It is next submitted that during the course of investigation, no material has come to connect the petitioner with the offence of sending obscene picture of his sister on the Messenger ID of the informant. It is further submitted that the offences under the I. T. Act are bailable. The learned counsel further submits that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case for eliciting the truth and proving his innocence.



5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bettiah, West Champaran in connection with Bettiah Town P. S. Case No.172 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Further, it is made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence in that event, the present anticipatory bail order shall come to an end.



10. Let a copy of this order be sent to the concerned
Police Station through the learned trial Court.

(Satyavrat Verma, J)

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