

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50268 of 2022

Arising Out of PS. Case No.-235 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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VIKAS PANDEY @ VIKASH PANDEY Son of Triloki Nath Pandey R/V-
Bandhgawan, P.S- Sarpataha, Dist- joinpur (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner, State as also

the informant.

The petitioner is apprehending arrest in connection
with Aurangabad P.S. Case No. 235 of 2022 instituted under
sections 307, 504, 506 of the Indian Penal Code and 67(A) of
I.T. Act.

As per the allegation, the informant has alleged that
on the pretext of job, named accused had committed rape upon
her. So far as this petitioner is concerned, he claims to be the
brother of the said accused person and allegation against him is
that he sent Whatsapp messages (which is part of the FIR) to
threaten her and further also sent sexually explicit messages.

Learned counsel for the petitioner submits that



Section 307 of the IPC is not made out. So far as the other Sections of the I.T. Act are concerned, it is not the case that these messages belong to his mobile.

Learned counsel for the informant on the other hand submits that the kind of messages he has allegedly sent, he does not deserve any relief.

Learned APP echoes the view of the informant.

So far as the claim of the petitioner is concerned, the same is unsubstantiated and it will only come into the picture once the investigation takes place in the matter. The kind of words/languages that has allegedly been sent through Whatsapp message shows the perverted mind of petitioner.

Taking into account the kind of accusation against this petitioner (which is part of the FIR), this Court is not inclined grant him any relief and the petition is hereby rejected.

(Rajiv Roy, J)

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