

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37602 of 2024

Arising Out of PS. Case No.-96 Year-2023 Thana- Cyber P.S. District- Darbhanga

Shankar Kumar @ Shankar Ram, Son of Hira Ram @ Heera Ram, resident of
Village- Gangiya, P.S- Bahadurpur, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidyanath Prasad, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Cyber P.S. Case No. 96 of 2023, registered for the alleged offences under Section 420, 467, 471 of the Indian Penal Code and Sections 66(C) and 67(A) of the IT Act, 2000.

3. As per prosecution case, the petitioner made viral the vulgar and obscene photographs of the informant and her family members. The petitioner was earlier apprehended on similar allegation, but after coming out of jail, he started doing the same thing by making different URL link on Facebook.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is land dispute between the families of the petitioner



and the informant, who are cousins. The dispute is over ancestral property. The mobile number used in the URL Link is in the name of some other person and not in the name of the petitioner. The learned counsel further submits that the petitioner is having criminal antecedent of one case, but the said case was also lodged by the same informant and the petitioner is on bail in that case. The charge sheet has been submitted and the petitioner is in custody since 29.12.2023.

5. Learned APP opposes the submission made on behalf the petitioner. The learned APP submits that the petitioner is habitual offender and just after coming out of jail, he started uploading the vulgar and obscene photographs of the informant, her family members and other ladies of the village.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga/court concerned, in connection with Cyber P.S. Case No. 96 of 2023, subject to the following conditions :



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) The petitioner will not indulge in similar type of offences in future.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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