

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39420 of 2024

Arising Out of PS. Case No.-746 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Raju Kumar Son of Avdhesh Ray @ Awadhesh Ray Resident of village- Tara
Dhamoun ,P.S -Patory, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Patory P.S. Case No. 746 of 2023 dated 05.12.2023 instituted
for the offence punishable under Sections 366, 504, 506 of the
Indian Penal Code and Section 66A of the I.T. Act.

3. The prosecution case, in short, is that the
complainant lives in village with her children and her in-laws.
The petitioner was leering at the complainant because her
husband was living outside. In course of it, the petitioner made
indecent photo of the informant/complainant and wanted to
establish physical relation with her. When the
complainant/informant did not become ready to establish
physical relation with the petitioner, he made viral the obscene



photographs of the complainant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the the petitioner is aged about 21 years, whereas the complainant is married lady aged about more than 30 years having children and as a matter of fact, the petitioner himself is the victim of the circumstances. Learned counsel for the petitioner submits that from bare perusal of the F.I.R., it is manifest that husband of the complainant lives outside to earn livelihood for his family. Learned counsel for the petitioner further submits that the complainant is taking advantage of her gender and was exploiting the petitioner to extort money from him. Learned counsel for the petitioner submits that the the petitioner has not kidnapped the complainant and as such, no offence under Section 366 of the Indian Penal Code is made out against the petitioner. So far Section 66A of the I.T. Act is concerned, the same is also not attracted against the petitioner. Learned counsel for the petitioner submits that Section 66A of the I.T. Act has been declared as *ultra virus* by the Hon'ble Supreme Court in case of **Shreya Singhal Vs. Union of India**. Lastly, it has been submitted that petitioner has no criminal antecedents.



5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Patory P.S. Case No. 746 of 2023, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Samastipur subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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