

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40304 of 2024

Arising Out of PS. Case No.-40 Year-2023 Thana- Cyber P.S. District- Aurangabad

1. Prahlad Vishwakarma @ Prahlad Mistry S/o Late Tileshwar Vishwakarma
RESIDENT OF VILLAGE NARHAR, P.S.- AMBA DISTRICT-
AURANGABAD
2. Vishwakarma Kumar @ Brihaspati Vishwakarma @ Vishwakarma Mistry
S/o Late Tileshwar Vishwakarma RESIDENT OF VILLAGE-NARHAR
P.S.- AMBA ,DISTRICT-AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Cyber Aurangabad P.S. Case No. 40/2023 instituted under Section 67, 67(A) of the Information Technology Act, 2000 and section 500 of the Indian Penal Code lodged on 21.12.2023 by the informant, Radha Devi.

3. As per the prosecution story, the informant alleged that her I.D. was hacked by Deepak Vishwakarma and obscene photos were posted on Instagram which went viral lowering her image in the public. When this was was informed to the family members, the two brothers who are petitioners herein, abused and chased. Accordingly, the FIR.



4. It is the case of the petitioners that they are brothers, nothing to do with the act of Deepak Vishwakarma, live separately and implicated only because they are relatives.

5. Learned APP opposes the prayer submitting that there is allegation that when the informant approached, they chased her away.

6. Though, the second part, the allegation of having chased the lady away is there, fact remains that the specific allegation is against Deepak Vishwakarma that he posted the obscene/nude photos of the lady on the Instagram after hacking her ID. These two petitioners are brothers of Deepak Vishwakarma, do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Cyber Aurangabad P.S. Case No. 40/2023 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.



(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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