

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1716 of 2024

Arising Out of PS. Case No.-779 Year-2023 Thana- KANKARBAG District- Patna

Ajetesh Kumar Alias Ajitesh Kumar S/o Vishwanath Singh Resident of House No.-79, Chandmari Road Bharosha Bhawan, Sampatchak, P.S.-Kankarbagh, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Jha, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2024 Heard Mr. Sushil Jha, learned counsel appearing on behalf of the petitioner and Mr. Atul Chandra, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Kankarbagh P.S. Case No. 779 of 2023 dated 27.07.2023 registered for the offence(s) punishable under Sections 341, 354, 504, 509 and 506 of the Indian Penal Code.

3. As per the allegations made in the FIR, the petitioner used to stalk the informant and often made obscene remarks and gestures. The petitioner even tried befriending the informant and asked for letting out her house to him which she refused. On 27.07.2023, the informant once again made obscene remark and gesture directed towards the informant in a public



place, whereupon, the informant protested against the alleged misbehavior and consequently, the informant fled away leaving behind his bike bearing registration no. BR01FN6467.

4. Learned counsel appearing on behalf of the petitioner submitted that all the sections are bailable in nature except Section 506 of IPC. Learned counsel further submits that petitioner has informed that petitioner feels sorry for his conduct and is ready to compromise with the informant and will give undertaking that he will not indulge in such illegal behaviour, which is not acceptable in the society, if some time is granted by this Court, considering the fact that petitioner is a student and pursuing his study. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. On perusal of the FIR, the informant has alleged that the petitioner followed her on multiple occasions, and tried establishing friendship with her. The act of the petitioner, therefore, falls in the offense of stalking as provided in the Section 354 -D of IPC which reads as under:—

354-D. Stalking.-(1) Any man who-

(i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or

(ii) monitors the use by a woman of the internet, email or any other form of



electronic communication, commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it proves that-

- (i) it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or
- (ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or
- (iii) in the particular circumstances such conduct was reasonable and justified.

(2) Whoever commits the offence of stalking shall be punished on the first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

(emphasis supplied)

7. It is apparent from the bare perusal of the Section that a person should have followed a woman or contacted such woman to foster personal interaction or should have monitored the use by the woman of the internet, email or any other form of electronic communication.

8. In view of the fact that petitioner feels sorry and will compromise with the informant giving undertaking that he will not indulge in such illegal crime in future, the petitioner, above named, is directed to be released on **pre-arrest bail provisionally for a period of four weeks**, in the event of his arrest or surrender before the Court below within a period of



four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Patna in connection with Kankarbagh P.S. Case No. 779 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. In case petitioner files an undertaking to the effect that he has compromised with the informant without any objection from her and will not indulge in such illegal crime in future, before the court below, then the provisional bail granted to the petitioner shall be made absolute by the court below itself on such terms and conditions as it deems fit and proper.

10. With aforesaid observations and directions, the present application stands disposed of.

(Purnendu Singh, J)

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