

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56945 of 2024

Arising Out of PS. Case No.-254 Year-2023 Thana- Cyber P.S. District- Patna

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Siyaram Kunwar @ Siyaram Kumar S/o Rajeswar Kunwar Resident of
Village and PO Chiksi PS Sigori Nurchak Paliganj, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Economic Offence Unit, Bihar, Patna Bihar
3. Dy Superintendent cum SHO Cyber Investigation Cell, Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijaya Laxmi Srivastawa, Adv.
For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

6 27-03-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Cyber P.S. Case No. 254 of 2023 for the offence under Sections 67(A) and 67(B) of the I. T. Act.

3. As per the prosecution story, informant Anuradha Singh Dy. S. P.-cum-SHO, Patna Cyber P.S. has alleged that she got informed regarding Child Pornography vide Letter No. 225/2023/NCRP (TIPLINE) of Bihar Police Headquarter to take necessary action. It has come in the light that resembling sexual harassment of minor has been uploaded/shared on social media through Facebook. On the basis of aforesaid letter and report legal action be taken against the suspicious mobile no.



810215806 of C.D.R. of Siyaram Kunwa, petitioner herein.

4. Learned counsel for the petitioner submits that petitioner is quite innocent, committed no offence rather he has falsely been implicated in this case. He further submits that the allegation levelled against the petitioner is false, fabricated and concocted. The sections of the 67(A)/67(B) of the I.T. Act does not attract in this case. He also submits that the petitioner is old, reputed and a gentle person and he was not involved in this shameful act. Even the alleged content uploaded/shared is of minor child or a major is not clear which is evident from perusal of FIR as well as Cyber Tipline Report and as such no case is made under Section 67(A) and 67(B) of I.T. Act. Petitioner is man of means and there is no chance of either absconding or tampering with the evidence.

5. Learned APP opposes the prayer of anticipatory bail.

6. During course of argument learned counsel for the petitioner submits that the SIM of the alleged mobile phone stands in the name of petitioner and he does not use the same Mobile-phone rather his grandson, Aakash Kumar is using the same. Petitioner has no knowledge about the alleged occurrence. This fact also finds supports from para 20 of the case diary.



From perusal of para 31 of the case diary, it appears that charge-sheet has been submitted in this case. Petitioner is aged about 70 years.

7. So, keeping in view the aforesaid facts and considering the age of petitioner, this Court is inclined to enlarge the petitioner on anticipatory bail in the event of arrest or surrender 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 like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Cyber P.S. Case No. 254 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

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