

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40390 of 2023

Arising Out of PS. Case No.-734 Year-2022 Thana- MADHEPURA District- Madhepura

Md. Maslay @ Mashle Alam @ Md. Mashle Alam S/O Md. Najam @ Kanik
@ Nijam R/O Vill. Arraha, Ward No. 11, PS. Madhepura (Bharrahi OP), Dist.
Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Madhepura (Bharrahi O.P.) P.S. Case No. 734 of 2022
corresponding to POCSO Case No. 47 of 2022 registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 307, 379, 504, 506, 354(B) and 354(D) of the Indian Penal
Code read with Sections 67 and 67(A) of the IT Act and
Sections 7 and 8 of the POCSO Act.

3. Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that obscene picture of her daughter was uploaded on
Facebook, on inquiry she came to know that Akram had



uploaded the picture, accordingly the police was informed and when the police came, the matter was pacified, it is next alleged that when the police went back, the accused persons came and Noor Jahan made her daughter naked and petitioner assaulted her husband by *farsa* causing injury on head.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that allegation of making viral obscene picture of the informant's daughter is on Akram and the petitioner being family member of Akram, came to be implicated.

5. Learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner and submits that it is people like petitioner who give leeway to persons like Akram to commit such heinous offences, it is next submitted that no doubt murder and rape is a serious offence but then putting obscene picture of a girl on social media is no less serious an offence, it is further submitted that being family member of Akram, the petitioner ought to have ensured that Akram in future does not indulge in such act but instead of making Akram understand, assaulted the father of the victim whose picture was made viral. Learned APP submits that this fact in itself is sufficient not to consider the case of the



petitioner for anticipatory bail but then even the doctor has kept the opinion about the injury reserve which amply demonstrates that the injury was not simple.

6. Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

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