

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51267 of 2024

Arising Out of PS. Case No.-374 Year-2022 Thana- CHHATAPUR District- Supaul

Md. Wasim Jakhmi @ Wasim Akram @ Osimakram @ Wasim Jakhmi @
Masim Akram @ Md. Wasim Son of Md. Irfan Resident of Vill- Kathara,
P.S.- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-08-2024 Heard Mr. Nafisuzzoha, learned counsel appearing on
behalf of the petitioner and Mr. Sanjay Kumar, learned APP for
the State.

2. The petitioner seeks pre-arrest bail in connection
with Chhatapur P.S. Case No. 374 of 2022 registered for the
offence punishable under Sections 323, 341, 324, 354B, 308,
379, 392 and 506/34 of the Indian Penal Code and Section 67 of
I.T. Act.

3. As per the allegation made in the F.I.R, the
petitioner had allegedly uploaded objectionable photographs of
the minor daughter of the informant on Facebook and had also
assaulted the daughter of the informant and had outraged the
modesty of other family members of the informant.



4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has not committed any offence as alleged in the F.I.R. nor the source of the photographs uploaded on Facebook has been obtained to ascertain the fact that the petitioner is the one who had uploaded the photographs. He further submitted that there is no allegation that the petitioner, in any manner, had committed any offence under POCSO Act and as such the District Court having proceeded on the basis of the allegation considering the age of the victim is also not in accordance with law.

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

6. Considering the nature of allegation against the petitioner that he had assaulted the minor daughter of the informant on her head and had also outraged the modesty of the other family members of the informant, I am not inclined to enlarge the petitioner on pre-arrest bail. However, the petitioner, if so advised, may surrender before the District Court and seek regular bail and the learned District Court is directed to hear the regular bail application of the petitioner on the same day and pass order on the basis of material on record without being prejudiced by earlier order.



7. The bail application, accordingly, stands disposed
of.

(Purnendu Singh, J)

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