

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82216 of 2023**

Arising Out of PS. Case No.-28 Year-2023 Thana- MAHILA PS District- Jehanabad

SHAMIM ALAM @ MD. SHAMIM ALAM SON OF MUSTAKIM MIAN
@ MD. MUSTAKIM MIAN R/O VILLAGE/MOHALLA- NARAYANPUR,
P.S.- SHAKURABAD, DIST.- JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Suruchi Anand
		Mr. Nidhi Anand
For the Opposite Party/s :		Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Jehanabad (M) P.S. Case No. 28/2023 registered on 05.09.2023
lodged under Sections 354(A), 354(B)/420/506/509 of the
I.P.C., Section 8 of POCSO Act, Section 67A, 67B of IT Act.

3. As per the prosecution case, F.I.R. has been lodged
against the present petitioner with allegation that the petitioner
has taken obscene photograph of the niece of the informant
when she went to his shop to purchase items.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He further submits that petitioner
is in custody since 05.09.2023 having no criminal case pending
against him. Counsel further submits that it is a matter of love



affair between the niece of the informant and the petitioner. Moreover, Annexure P/2 indicates that both of them have taken photograph with their consent happily.

5. Learned counsel for the State opposes the prayer for bail.

6. Counsel for the informant vehemently opposes the prayer for bail and submits that statement under Section 164 Cr.P.C. and medical is also against the petitioner

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail ***three months after framing of charge if the charge is not framed yet*** and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI- Cum- Special Judge (POCSO) Act, Jehanabad in connection with Jehanabad (M) P.S. Case No. 28/2023, subject to the conditions laid down under Section 437 (3) of the Cr.P.C.

(Dr. Anshuman, J)

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