

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86193 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- Cyber P.S. District- West Champaran

Pradeep Kushwaha @ Pradeep Kumar Kushwaha, Male, aged about 25 years,
Son Of Bhola Kushwaha, R/O Village- Vishnupura Wad No. 5, Bankatwa,
P.S.- Bathwariya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubham Sourav, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 07-03-2024 Heard Mr. Shubham Sourav, learned counsel
appearing on behalf of the petitioner and Mr. Akbar Ali, learned
APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bagaha Cyber P.S. Case No. 04 of 2023 dated 30.06.2023
registered for the offence punishable under Sections 354d, 504,
506, 34 of the Indian Penal Code and Sections 67 and 67 (a) of
the Information Technology Act.

3. As per the allegation made in the FIR, petitioner
along with other co-accused had sent obscene photographs of
the daughter of the informant and had threatened to make the
same viral on social media.

4. Learned counsel appearing on behalf of the



petitioner submits that specific allegation against the petitioner is that he had sent obscene photographs of the daughter of the informant using mobile no. 7352021958. He further submits that the mobile no. is not registered in the name of the petitioner. SIM cards are only issued by the company after obtaining aadhaar card and finger print of the particular person. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the allegation made in the FIR, direct allegation against the petitioner is that he had sent obscene photographs of the daughter of the informant on social media using mobile no. 7352021958. The petitioner has denied that the said mobile number was used by him nor the same is registered in his name. It is also case of the petitioner that mobile SIM cards are only issued by the company after obtaining aadhaar card and finger print of the particular person.

7. In case, petitioner is able to show before the learned District Court that the mobile number in question is not registered in his name, then, in that case, the petitioner, above



named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate First, Bagaha, West Champaran, in connection with Bagaha Cyber P.S. Case No. 04 of 2023 dated 30.06.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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