

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58691 of 2025

Arising Out of PS. Case No.-23 Year-2024 Thana- Cyber P.S. District- Madhubani

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Azizur Rahman S/o Mohammad Mujibur Rahman Resident of Ward No. 17,
P.O.- Khirhar, P.S.- Khirhar, District- Madhubani, Bihar Pin Code- 847230

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Simran Kumari

For the Opposite Party/s : Mr. Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 22-08-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Madhuban Cyber Police Station Case No. 23 of 2024, disclosing offences under Sections 67(a) and 67(b) of the Information Technology Act, 2000.
3. The prosecution case, as per the First Information Report lodged by Sub Inspector of Police, Cyber Police Station, Madhubani, is that he received information that the petitioner is uploading/sharing the videos relating to child pornography. On this information. the police raided the house of the petitioner, took him into custody and recovered the mobile of the petitioner. From the investigation of the mobile of the petitioner, it was found that from the Facebook profile of the



petitioner, objectionable videos of female and videos of child pornography was sent and the petitioner disclosed before the police that he used to download obscene video and forwarded the same to different groups and persons.

4. Learned Counsel for the petitioner submits that the F.I.R. is based solely on an automated alert from NCMEC, a foreign NGO not recognized under Indian law, which cannot constitute substantive evidence. No independent forensic verification, Section 79A certificate, or Section 65B certificate has been produced, making the electronic data inadmissible. The F.I.R. itself contains contradictions regarding the mobile number of the alleged device, casting doubt on the petitioner's identity. The only device seized was a basic mobile phone with no forensic indicators of illicit activity. The alleged recipients of the content were never verified, and no statements were recorded. The prosecution has wrongly relied on a purported police confession, which is inadmissible under Sections 23(1) & 23(2) of the Bharatiya Sakshya Adhiniyam, 2025. The investigation contains contradictions regarding dates and proceedings, and no evidence of commercial exploitation has been shown. The petitioner, a 25-year-old teacher with no criminal antecedents, has already lost his livelihood and is being



falsely implicated without cogent evidence. Mere presence in a digital group cannot establish culpability in the absence of proof of intent or active sharing.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that this is the second attempt for anticipatory bail on behalf of the petitioner, no change in circumstance has been brought by the petitioner for filing the second anticipatory bail application, the submission made by the petitioner that now the charge sheet has been filed cannot be said to be the further development in favour of the petitioner inasmuch as it is not the case of the petitioner that he has not been charge-sheeted or the proceedings has been dropped against him, accordingly, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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