

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77634 of 2024

Arising Out of PS. Case No.-78 Year-2024 Thana- Cyber P.S. District- Siwan

Hasina Khatoon @ Munni, wife of Reyaj Khan, Resident of Mohalla- Chakia,
P.S. - Mahadeva O.P. Distrcit - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nurshaba Khatoon, Wife of Late Chand Ansari, resident of village- Chakia,
P.S- mahadeva OP, District- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bijay Prakash Singh, Advocate
For the State	:	Mr.Shailendra Kumar Singh, APP
For the Informant	:	Kumari Anupam, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Siwan Cyber P.S. Case No. 78 of 2024 (PTN No.1663/2024), registered for the alleged offences under Sections 14/15 of POCSO Act, Sections 61 (2) of BNS and Section 67 (A)/ 67 (B) of the IT Act.

3. As per prosecution case, the co-accused persons shot the nude photographs of the minor daughter of the informant and made it viral. The allegation against the petitioner is that she also received the photographs from the co-accused persons and had been showing the same to the persons of her



locality.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The entire allegation is against co-accused Jarina Khatoon and Md. Sher Ali and the petitioner has neither any concern with the co-accused persons nor with the informant. There is no allegation of publishing or transmitting material depicting children in sexual explicit act etc. in electronic form against the petitioner. She has not made photographs of the daughter of the informant viral. Thus, no offences under Sections 14/15 of POCSO Act, Section 61 (2) of BNS and Sections 67(A)/67(B) of IT Act are made out against the petitioners. The petitioner, who is a lady, is in custody since 31.07.2024 and charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf the petitioner. The learned counsel for the informant submits that the petitioner was apprehended by the police and in her confessional statement, she stated that she received nude photographs of the daughter of the informant and showed it to two ladies of her locality and thereafter she deleted the photographs from her mobile.



6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there is no specific allegation against the petitioner either for snapping the nude photographs of the minor daughter of the informant or making it viral and further considering the submission of charge sheet, the period of custody of the petitioner along with her clean antecedent, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Siwan, in connection with Siwan Cyber P.S. Case No. 78 of 2024, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) The petitioner will not indulge in similar type of offences in future.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail,



the bail bond of the petitioner will be liable to
be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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