

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13461 of 2026

Arising Out of PS. Case No.-83 Year-2020 Thana- CHENARI District- Rohtas

Santosh Sharma S/O Late Jagannath Sharma @ Jagannath Thakur R/O
Village- Chenari, Police Station- Chenari, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rameshwar Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 01-04-2026 Heard the learned counsel for the petitioner and
the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Chenari P.S. Case No. 83 of 2020, for allegedly having committed offence under Section 294 of the I.P.C. and Section 67(a) of the I.T. Act.

3. As per the prosecution case, the informant, who happens to be the Officer-In-Charge of Chenari Police Station, lodged an F.I.R. with an allegation that on 25.05.2020 in the night at about 01:54 A.M., some obscene photos were sent on Whatsapp groups by the petitioner, which as per the allegation amounts to misuse of electronic devices.

4. The learned counsel for the petitioner submits that although the allegation is of forwarding/circulating obscene



photos in the Whatsapp group, but no electronic device has been seized and no certificate under Section 65B of the Indian Evidence Act has been collected or mentioned in the FIR, making the alleged electronic evidence legally inadmissible at this stage. No allegation has been levelled against the petitioner of publishing or causing to publish any obscene content, rather the allegation is of only forwarding obscene photographs. The petitioner has got no criminal antecedent.

5. The learned APP for the State vehemently opposes the prayer for bail of the petitioner.

6. Having heard the learned counsel for the parties, considering the fact that there is no allegation of publishing or causing to publish any obscene material and even no certificate under Section 65B of the Indian Evidence Act has been collected or mentioned in the FIR, let the petitioner, above named, in the event of arrest or surrender within a period of six weeks, 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 the learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Chenari P.S. Case No. 83 of 2020, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:



(1) The learned Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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