

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27209 of 2026

Arising Out of PS. Case No.-289 Year-2025 Thana- BACHHWARA District- Begusarai

Md. Mustafa S/o- Md. Anwar R/village - Pamariay Tola,W.No-4, PS -
Bachhwara, Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kuraisha Khatoon W/o- Md. Manjoor R/village - Rasidpur, PS - Bachhwara
Dist- Begusarai

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.
For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE RAJ KUMAR
ORAL ORDER

4 28-07-2026 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor for the State as also the

learned counsel for the informant.

2. The petitioner is seeking regular bail in
connection with Bacchwara P.S. Case No. 289 of 2025
(POCSO Case No. 15 of 2026), registered for the offences
punishable under Sections 115(2), 352, 74, 79, 351(2), 351(3)
and 3(5) of the BNS and Section 12 of the POCSO Act and
Section 67 of the I.T. Act.

3. The prosecution case, in brief, is that the
informant's minor daughter aged about 16 years, was allegedly
subjected to persistent harassment by the petitioner, *Md.*
Mustafa and others while she was going to attend her coaching



classes. It is alleged that the petitioner captured the victim's photographs without her consent and later circulated the same through electronic means. The informant further alleged that when she along with her family members, confronted the petitioner regarding the said incident, the petitioner and his family members abused, intimidated and threatened them with dire consequences.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. He has further submitted that, as per the *Aadhaar Card*, the age of the victim is 19 years, whereas in the statement of the victim recorded under Section 183 of the BNSS, the learned Magistrate has assessed the victim to be of 18 years. He has also submitted that the victim was in love with the petitioner and later on, the petitioner and the victim have solemnized their marriage, which would appear from *Annexure-P/2* to the petition i.e. the certificate, issued by the *Kazi*. He has next submitted that in the statement of the victim recorded under Section 183 of the BNSS, she has specifically stated that there was no incident of sexual assault or harassment committed by the petitioner. He has further submitted that the petitioner is a person of clean antecedent and has been in judicial custody



since 11.12.2025.

5. The learned counsel for the informant has opposed the prayer for bail, stating therein that the conduct of the petitioner was not fair as because he made the photographs of the victim, viral.

6. On the other hand, the learned APP for the State has also opposed the prayer for bail but, at the same time, has submitted that the photographs produced by the learned counsel appearing on behalf of the informant during the course of arguments, were not found to be obscene.

7. Taking into account the entire facts and circumstances of the case, coupled with the fact that the petitioner has clean antecedent and he has remained in custody for almost nine months as also the fact that the victim has refused to undergo medical examination, let the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Begusarai/concerned court in connection with Bacchwara P.S. Case No. 289 of 2025, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial.



(ii) One of the bailors must be close relatives of the petitioner such as mother, father, brother, sister or wife.

(iii) The petitioner will appear on each and every date fixed by the trial court and if, he fails to do so on two consecutive dates, unless he is prevented by extremely adverse circumstances, the learned court below will be at liberty to cancel the bail bond of the petitioner.

(iv) Before release, the learned court below shall verify the criminal antecedent of the petitioner and if he is found involved in any case other than the present one, his bail bond will not be accepted.

(v) It is also made clear that there shall not be any delay in verifying the criminal antecedent of the petitioner.

(vi) In future, if the petitioner makes any effort to blackmail or harass the victim on the basis of these photographs, the informant shall be at liberty to file an application before the court below for cancellation of bail and the same shall be considered in accordance with law.

(Raj Kumar, J)

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