IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50791 of 2026

CNR No. BRHC010713352026

Arising Out of PS. Case No.-89 Year-2026 Thana- BAIRIYA District- West Champaran

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Samsher @ Samsher Alam S/o Noor Alam @ Nur Alam Miyan Resident of village - Chauriya Tola, Ward no. 4, Bishunpura Baikunthawa, P.S - Jagdishpur, District- West Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Mayank Mohan, Advocate
For the Opposite Party/s : Mr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR

ORAL ORDER

4 27-10-2026 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bairiya P.S. Case No. 89 of 2026 dated 13.02.2026 registered for the offences punishable under Section 296 of the B.N.S. and Section 67(A) of the I.T. Act.

3. As per the prosecution case, the informant, who happens to be a forest ranger of Udaipur, alleged that a viral instagram video depicting very undignified and denouncing condition of Udaipur Forest areas due to shooting of obscene content allegedly committed by the petitioner in the Udaipur Forest area.

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4. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. It has further been submitted that instagram, which is a social media, deploys stringent Automated Content Moderation Systems and AI filters that immediately block, ban or delete any actual adult or other explicit content that violates their strict community guidelines. It has further been submitted that there is no complaint by anyone, in regard with the said viral video and the persons, who were in the video acted voluntarily under free mutual consent when they were majors and no individual or visitor has come forward as an aggrieved party alleging any real or non-consensual offence. It has further been submitted that mere profane language or expletives in digital content are not per se obscene under Section 67A of the I.T. Act. It has further been submitted that the genuineness of the video is still under cloud and there are strict proof, as regards the proving of an electronic evidence. It has lastly been submitted that the petitioner has got no criminal antecedent.

5. Learned counsel for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Heard the parties and perused the record.

7. Considering the facts and circumstances of the case

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as well as no complaint by any visitor or aggrieved party, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, West Champaran, Bettiah, in connection with Bairiya P.S. Case No. 89 of 2026, subject to conditions as laid down under section 482(2) of the B.N.S.S., with following conditions:-

(i) One of the bailors of the petitioner should be close family members.

(ii) If the petitioner gets involved himself in any type of criminal case in future, the prosecution would be at liberty to file appropriate application for cancellation of his bail bonds.

8. The application stands allowed.

(Praveen Kumar, J)

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