

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71205 of 2025

Arising Out of PS. Case No.-330 Year-2024 Thana- BAKHARI District- Begusarai

Md. Mojammil Hussain @ Mojammil Hussain, aged about 20 years, S/o-
Md. Irfan Hussain @ Intasar Ahmad, Resident of Sandalpur W.No-1, Kurha
Ps- Bakhari Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirtunjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-02-2026 Heard Mr. Mirtunjay Kumar Tiwary, learned counsel
appearing on behalf of the petitioner and Mr. Sanjay Kumar
Pandey, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Bakhari P.S. Case No. 330 of 2024 registered for the
offence(s) punishable under Sections 352,351(3), of the BNS
and Section 67B of the IT Act.

3. As per the allegation made in the FIR, the petitioner
has tried to make viral some of the obscene photos and videos of
the minor daughter of the informant and has harassed her
repeatedly by calling her from mobile number.

4. Learned counsel appearing on behalf of the
petitioner submitted that in absence of any ingredient of Section



67(A) of the IT Act, no case is made out against the petitioner under Sections 351(3) and 352 of BNS. Petitioner don't deny that he was not in relationship with the daughter of the informant but at the same time, he has not made any of the photograph or videos of the victim viral on social media. The petitioner further submitted that informant instead of taking action in accordance with the required procedure laid down in IT Act, has filed the present complaint on the basis of false accusation, just to harass the petitioner. Learned counsel informs this Court that petitioner had just emerged as an adult. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, I find that the petitioner has just emerged as an adult, aged about 20 years. From the content of FIR, it cannot be said that any of the obscene photographs and videos of the victim has been made viral on social media and at best it can be said that the petitioner may have prepared to make those photographs and videos viral, question of threatening don't arise



as the statement of victim has not been recorded under Section 183 BNSS to support the allegation. I am of the opinion that petitioner, who is having clean antecedent, has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai / Concerned Court in connection with Bakhari P.S. Case No. 330 of 2024 , subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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