

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61868 of 2019

Arising Out of PS. Case No.-554 Year-2019 Thana- JAHANABAD District- Jehanabad

Sudhanshu Sarkar @ Sudhanshu Ranjan @ Sudhanshu Ranjan Mishra Son of
Manoj Kumar Mishra Resident of Village- Madanganj, Police Station- Ghosi,
District- Jehanabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radhe Shyam

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-11-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in this case is seeking anticipatory bail
in connection with Jahanabad P.S. Case No.554 of 2019
registered for the offences punishable under Sections 153,
153(A) and 295(A) of the Indian Penal Code and Section 66 of
the I.T. Act.

The allegation against the petitioner is that he had
posted objectionable comment on holy book of Kuran on his
facebook account and thereby he promoted hatred towards
religion of Islam which is detrimental to the communal
harmony. The learned Additional Sessions Judge-VI, Jehanabad
has rejected the prayer for anticipatory bail of the petitioner by



taking a view that the offences alleged against him are punishable with the imprisonment below 7 years and in view of the judgment of the Hon'ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar regarding arrest of the accused for offences punishable with imprisonment up to 7 years with or without fine, the petitioner has no apprehension of arrest.

Learned counsel for the petitioner submits that the learned court below could not appreciate that the petitioner had moved this application for grant of anticipatory bail in view of his apprehension of arrest and the application was required to be considered on its parameters.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

In the given facts and circumstances of the case considering the submission of learned counsel for the petitioner that the message in question was created by some other person and had been transmitted to the facebook account of the petitioner and Section 66 of the Information and Technology Act would not be applicable in the present case, let the petitioner in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Jahanabad in connection with Jahanabad (Nagar) P.S. Case No.554 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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