

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17753 of 2020

Arising Out of PS. Case No.-211 Year-2019 Thana- NIRMALI District- Supaul

Md. Munna Son of Md. Washil Resident of Village - Nirmali, P.S.- Nirmali,
Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shamimul Hoda, Advocate

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 25-09-2020 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Nirmali P.S. Case no. 211 of 2019 registered under sections 124A , 153A and 505 of the Indian Penal Code and section 67 of the IT Act.

As per allegation in the FIR, it is stated that one Vinod Kumar came to the police station and disclosed that while going through his facebook account, he came across an objectionable video posted by the petitioner herein which he downloaded, wherein, it is stated, that the petitioner was trying to instigate the member of a community against the CAB.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the FIR are false and concocted.



No case under sedition is made out against the petitioner and in course of investigation the Superintendent of Police while supervising the case is also of the same opinion. It is further submitted that the petitioner has not uploaded any obscene or objectionable material but was exercising his right to peaceful democratic protest against the bill. It is further submitted that so far as the other sections being section 153A and 504 of the Indian Penal Code are concerned, the sentence imposed may only be of fine. The petitioner has no criminal antecedent.

The application for bail is opposed by learned counsel for the State who submits that there are serious allegations against the petitioner of sedition against the country.

Having heard learned counsel for the parties and on going through the materials available on record including the case diary as also submissions made on behalf of the petitioner, the Court is inclined to enlarge the petitioner on anticipatory bill. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Nirmali P.S. Case no. 211 of 2019 he will be enlarged on bail on furnishing bail bond of Rs. 10,000/ (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate,



Birpur, Supaul subject to the conditions as laid down under
section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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