

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39352 of 2020

Arising Out of PS. Case No.-672 Year-2020 Thana- FORBESGANJ District- Araria

1. NIHAL KHAN Son of Md. Idris Resident of Village - Madhubani, P.S.- Forbesganj, District - Araria.
2. Inamul Haque Son of Md. Idrish Sabir Resident of Village - Madhura ward no. 12, P.S.- Forbesganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
		Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

12 23-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Forbesganj PS Case No. 672 of 2020 registered under Sections 153(A) and 295(A) of the IPC and Section 67 of the Information Technology Act.

There is FIR by the police that there is objectionable posts on Facebook and Whatsapp which is a very indecent depiction of religious sentiments likely to cause religious conflict for the last four – five days. The petitioners are also accused along with others.

Mr. Y.C. Verma, learned Senior Counsel for the petitioners submits that the petitioners are not author of the objectionable post. From bare perusal of the report forming part of



the FIR it is evident that the allegation is that either he has shared the post or liked it. He submits that the allegations are false and the petitioners are in custody since nearly one year. Submission is that even sanction as required under Section 196(1)(a) Cr.P.C. has not been obtained till date and that the petitioner has no criminal antecedent.

In this connection matter was earlier adjourned to enable the learned APP to obtain instruction. It is submission of Mr. Ramchandra Singh, learned APP, that he has telephonic instruction from Officer Incharge of Forbesganj PS that till date sanction has not been accorded under Section 196(1)(a) Cr.P.C. He however opposes thje prayer for bail submitting that the petitioners' complicity cannot be ruled out based on the report forming part of the FIR.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Araria in Forbesganj PS Case No. 672 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioners will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

