

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4077 of 2021

Arising Out of PS. Case No.-311 Year-2020 Thana- PIPRA District- East Champaran

AZAD ALAM @ AZAD MIYAN S/o Kalamuddin Ansari R/o village-
Vishanpura, P.S.- Pipra, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 23-06-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

The petitioner seeks regular bail in connection with
Pipra Police Station Case No. 311 of 2020, registered for the
offence punishable under Section 153-A of the Indian Penal
Code and Sections 67/68 of the I. T. Act.

The prosecution story, as per the First Information
Report lodged by one Luvkush Kumar on 13.09.2020, is that (i)
Munna Ansari, (ii) Hazi Hussain Mastan Ansari and (iii) Nabil
Ahmed, made viral on their Facebook the objectionable
photographs of Hon'ble Prime Minister and anti-religious
posts/photographs, which were prejudicial to the maintenance of
harmony.



Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and he has been dragged in this case on the basis of the fact that he happens to be the brother of the named accused person, namely, Munna Ansari. He next submits that the petitioner has falsely been implicated in this case on the basis of the allegation that he also uses the mobile of his brother, Munna Ansari. He next submits that the petitioner is in custody since 19.09.2020 and charge sheet has been submitted in this case and as such there is no likelihood of the petitioner being abscond or tamper with the evidence.

On the other hand, learned Additional Public Prosecutor submits that the police recovered five objectionable photographs of Hon'ble Prime Minister, which were kept under the bed of the petitioner and he was also found using the mobile of his brother, Munna Ansari.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner is not named in the First Information Report, the alleged posts were not originated from the mobile of the petitioner and the petitioner is in custody since 19.09.2020 and charge sheet has been submitted in this case, I am inclined to



grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, at Motihari, in connection with Pipra Police Station Case No. 311 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

