

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28466 of 2021

Arising Out of PS. Case No.-542 Year-2020 Thana- MUFFASIL District- West Champaran

SADRE ALAM, aged about 26 years, Male, Son of Mansoor Dhobi, Resident of Village- Sheikh Dhurwa, P.S.- Muffasil (Manuapul), District- West Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Md. Anis Akhtar, Advocate

For the Opposite Party : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-03-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in connection with Mufassil (Manuapul) P.S. Case No. 542 of 2020 for the offence registered under Section 188 of the I.P.C. and Section 67(A) of the I.T. Act.

The prosecution story, in brief, is that on 17.08.2020 at about 2.00 P.M., the S.H.O. Manuapul, got an information that a person, namely, Sadre Alam, (petitioner) has posted an objectionable photo of Hon'ble Prime Minister on his Facebook,



due to which, social harmony can be disturbed. When he verified about the above information, he found that the objectionable photo has been circulated through the Facebook account of the petitioner Sadre Alam (petitioner).

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The allegation made in the F.I.R. is denied by the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The photograph uploaded by the petitioner on the Social Media in respect of Hon'ble Prime Minister is a part of paragraph no. 2 of the case diary. It is most unfortunate that such photograph and that also in respect of Hon'ble Prime Minister is being posted on the Social Media.

Considering the same, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Mufassil (Manuapul) P.S. Case No. 542/2020, pending in the court of learned Chief Judicial Magistrate, Bettiah, West Champaran.

If the petitioner surrenders in the learned court below



and prays for regular bail the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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