

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43966 of 2022

Arising Out of PS. Case No.-510 Year-2022 Thana- HAJIPUR SADAR District- Vaishali

Rajeev Kumar Brahmarshi S/o Sudhir Kumar @ Sudhir Kumar Singh R/o
village- Adalpur, P.S.- Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-11-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Hajipur Sadar P.S. Case No. 510 of 2022 registered for the
offences punishable under Sections 295A and 153A of the
Indian Penal Code and Section 67 of the I.T. Act.

As per the prosecution, the informant alleged that an
objectionable video was uploaded by this petitioner (founder of
Hindu Putra Sangathan) on a social media platform (Facebook)
against the Muslim religion which hurt the sentiments of the
community and could lead to disturbance in social harmony.



The main submissions advanced by the learned counsel Mr. Sunil Kumar appearing for the petitioner are that the FIR of the instant matter was lodged under Sections 295(A) and 153 (A) of IPC which are punishable with maximum three years imprisonment and the alleged offence punishable under Section 67 of IT Act is punishable up to five years maximum imprisonment and the petitioner has been languishing in jail since 06.07.2022 in the present matter and the FIR of the instant matter was lodged in a haste manner by the police official himself on the same date and time when the alleged incident came in the knowledge of the police officials, in fact the petitioner is a serious candidate of ongoing election of Nagar Nigam, Vaishali and several political parties have political rivalry with this petitioner, owing to which he is being framed in the criminal cases. Further submission is that though against the petitioner there are several criminal cases as his criminal antecedent but he is on bail in the said cases and most of them were lodged due to political rivalry.

Learned APP Mr. Ganesh Prasad Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. In the present matter the investigation has been



completed against the petitioner as per above submission and the FIR goes to show that only an apprehension of disturbance of communal harmony has been alleged to arise by the alleged post made on social media by this petitioner and it does not appear that anybody has turned up before the police being hurt with the objectionable video of the petitioner and it also appears that most of the important witnesses which are to be examined are police officials and the petitioner is stated to be a political person. Considering all these facts as well as above submissions, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Hajipur Sadar P.S. Case No. 510 of 2022.

(Shailendra Singh, J.)

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