

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54876 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- BIHAR District- Nalanda

Madhav Lal Kashyap S/o Chhotelal Kashyap R/o village- Gazipur, P.S.-
Pawapuri (Giriyak), District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Singh, Advocate
For the State : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Bihar P.S.
Case No. 124 of 2021 registered for the offence under Sections
153(a), 295(a), 120(b) and 34 of the Indian Penal Code and
Section 66 of the I.T. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.06.2022.

The allegation against the petitioner is to be involved
in deliberate and malicious act by posting the material, on social
media like facebook as '*Hind Swaraj Har Har Mahadav*', with
intention to outrage religious feelings of a particular community.



Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case, as no untoward incident/riot took place in furtherance of the alleged posting on social media. It is submitted that implication is on the presumption that post of the petitioner on social media might disturb communal harmony. It is further submitted that alleged post was made out of religious freedom granted under the Constitution, without having any intention to insult or humiliate any particular community. It is also submitted that present F.I.R. is an example of police atrocities that without any specific complaint, petitioner has been implicated in the present case. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as petitioner is in custody since 10.06.2022 coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bihar P.S. Case No. 124 of 2021 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Shariff/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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