

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58401 of 2022

Arising Out of PS. Case No.-421 Year-2022 Thana- SARAIYA District- Muzaffarpur

Sahanvaj Alam @ Shanawaz Alam S/O Md. Salim Resident Of Village-
Bishambharpur, P.S.- Saraiya, District- Muzaffarpur, Bihar.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Pratap

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 295A, 193A, 153A of the Indian Penal Code and Section 67 of IT Act.

As per the prosecution story, the petitioner posted objection communal posts on Facebook and WhatsApp as a result of which there was anger in the general public. After search of petitioner's house, one smartphone has been recovered from which communal Hindu hatred posts were made.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case on the basis of suspicion. The petitioner is not the owner of the mobile phone from which communal hatred posts have been made and the same has been



purchased by one Azim Din Mohammad Ansari. It is further submitted that no offence under section 295(A) or 153(A) of I.P.C. at all made out. Even the allegation against the petitioner is of posting communal posts and there is no allegation of commission of any crime/offence body or property. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 20.6.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Saraiya (Jatipur O.P) P.S. Case No. 421 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IVth, Muzaffarpur.

(Sunil Kumar Panwar, J)

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