

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6486 of 2024

Arising Out of PS. Case No.-116 Year-2023 Thana- HAYAGHAT District- Darbhanga

Md Irshad Son of Md. Naushad Resident of village- Bishanpur, P.S.-
Hayaghat, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

4 08-05-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Hayaghat PS Case No. 116 of 2023 dated 07-08-2023, instituted under Sections 153(A), 295(A), 504, 505 and 506/34 of the IPC and Section 67 of the Information Technology Act.

3. Prosecution case in short is that one Ajit Kumar S.H.O. Hayaghat PS recorded his self statement on 07-08-2023 at 13:00 hours alleging therein *inter alia* that on that day at about 11.35 PM, he got information against the petitioner for making hatred speech against a particular religion and got the video viral through social media which could cause disruption of harmony in the vicinity between different religions. The name and address of the petitioner was discerned and a raid was



conducted at his house who was found fugitive.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. The petitioner has no connection or nexus with the alleged crime. There is no substantive evidence against the petitioner in the case diary. It is the case of the prosecution that the police have obtained details of mobile phone number and other reports of social media ID which directly connect the petitioner with the crime, but there is no evidence in the case diary to show that the petitioner is indulged in such activity. It is further submitted that petitioner is a young boy aged about 21 years who is preparing to get a job in the Indian Army and continuation of proceeding against the petitioner would amount to an abuse of the process of law. Lastly, it is submitted that petitioner has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner 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 the learned



ACJM-VIII, Darbhanga, in Hayaghat PS Case No. 116 of 2023,
subject to the conditions laid down in Section 438(2) of the
Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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