

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Writ Jurisdiction Case No.739 of 2023

Arising Out of PS. Case No.-1331 Year-2022 Thana- KHAGARIA District- Khagaria

BHAWESH CHAND SON OF RAGHWENDRA MISHRA EDITOR (CHIEF EDITOR) OF HINDUSTAN MEDIA VENTURES LIMITED (HINDUSTAN NEWSPAPER) R/O BASUDEOPUR, KORIA, BEGUSRAI-851127

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR THROUGH CHIEF SECRETARY, GOVERNMENT OF BIHAR, PATNA BIHAR
2. THE SUPERINTENDENT OF POLICE, KHAGARIA BIHAR
3. THE SUB-DIVISIONAL POLICE SUPERINTENDENT , KHAGARIA BIHAR
4. THE STATION HOUSE OFFICER, KHAGARIA (CHITRAGUPTA NAGAR), PS- DISTT- KHAGARIA BIHAR
5. THE INVESTIGATION OFFICER, KHAGARIA, (CHITRAGUPTA NAGAR), PS AND DISTT- KHAGARIA BIHAR
6. BIPIN KUMAR , COURT MANAGER, CIVIL COURT, KHAGARIA BIHAR

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dayanand Singh
For the Respondent/s : Mr.Prabhat Kumar Verma, AAG 3
Mr. Suman Kr. Jha, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL JUDGMENT

Date : 10-07-2025

Heard the learned counsel for the petitioner and the learned counsel for the state.

2. The present writ application has been filed seeking the following reliefs :-

“(A) For issuance of an appropriate writ in the nature of writ of certiorari and any other appropriate writ or order or direction for quashing of the FIR registered vide Khagaria (Chitragupta Nagar) P.S. Case No. 1331 of 2022 dated 16.12.2022 (G.R. No. 3670 of 2022) registered under section 505 of Indian Penal Code, 1860, pending in the court of Id. Chief Judicial Magistrate, Khagaria as the said FIR is gross violation of law as the act of the Petitioner squarely fall under statutory exception



provided under section 505 of the Indian Penal Code wherein specific exclusion has been covered out in respect of act done in good faith without any malicious intent and in complete violation of settled principles of law as laid down by the Hon'ble Supreme Court.

(B) For issuance of appropriate writ(s), order(s) or direction(s) directing the respondent to take no coercive measure against the Petitioner under the case pertaining to G.R. No. 3670 of 2022 arising out of Khagaria (Chitragupta Nagar) P.S. Case No. 1331 of 2022 pending in the court of Ld. Chief Judicial Magistrate, Khagaria.”

3. The brief facts relevant for the present purpose is that the Respondent No. 6 – Complainant Bipin Kumar, Court Manager, Civil Courts, Khagaria had filed a complaint case bearing No. 1048(C) of 2022 for the alleged offence under section 505 of the Indian Penal Code before the learned Chief Judicial Magistrate, Khagaria, based on which the impugned F.I.R being Khagaria (Chitragupta Nagar) P.S. Case No. 1331 of 2022 was registered under section 505 of the I.P.C against the accused persons including the present petitioner. The crux of the allegation is that the accused persons including the petitioner had published false and malicious news item in their daily newspaper while covering the inspection of the Civil Court of Khagaria by the Inspecting Judge of this Court. It is alleged that on 10th and 11th December, 2022 the Hon'ble Judge



of this Court had went to inspect the Civil Courts at Khagaria. The aforesaid was covered by local newspaper '*Hindustan*' and '*Dainik Jagran*' and the following news items were published –

सिविल कोर्ट का पटना के जज ने किया निरीक्षण

खगड़िया। विधि संवाददाता। पटना उच्च न्यायालय के न्यायमूर्ति खतीम रेजा ने शनिवार को सिविल कोर्ट का वार्षिक निरीक्षण किया। हालांकि महीना के द्वितीय शनिवार के कारण सिविल कोर्ट में अवकाश था।

इसके बावजूद सिविल कोर्ट के सभी अधिकारी, कर्मचारी कार्य दिवस की भाँति अपनी-अपनी ड्यूटी पर तैनात दिखें। सुरक्षा के पुख्ता इंतजाम किए गए थे। किसी भी आम आदमी व अधिवक्ता का न्यायालय परिक्षेत्र में प्रवेश प्रतिबंधित कर दिया गया था। परंपरा रही है कि निरीक्षी न्यायाधीश जब निरीक्षण के लिए जब सिविल कोर्ट आते हैं तो विधिज्ञ संघ के साथ एक औपचारिक बैठक कर व्यवस्था संचालन में पारदर्शिता लाने के लिए विचार विमर्श करते हैं, लेकिन संघ के पदाधिकारियों से मिली जानकारी के मुताबिक इस प्रकार के कार्यक्रम को सूचना न्यायमूर्ति द्वारा प्राप्त नहीं हुई है। मिली जानकारी के अनुसार सिविल कोर्ट निरीक्षण के दौरान विभिन्न अभिलेख की उन्होंने जाँच की तथा आवश्यक निर्देश जारी किए। इसके अलावा शहर स्थित वाला सुधार गृह का भी निरीक्षण किए। जहाँ संचालित किशोर न्याय परिषद के अभिलेख का अवलोकन किया। बाल सुधार गृह में रह रहे बच्चों को मिने वाली सुविधाओं की समीक्षा की गई। न्याय मूर्ति व्यवहार न्यायालय गोगरी 11 दिसम्बर को जाएंगे।"

"जागरण भागलपुर 11 दिसम्बर 2022



निरीक्षी जज ने खगडिया सिविल कोर्ट का लिया जायजा

जागरण संवाददाता खगडिया: पटना उच्च न्यायालय के न्यायमूर्ति खतीम रेजा शनिवार की सुबह 10.00 बजे सिविल कोर्ट खगडिया पहुँचे । न्यायमूर्ति का आगमन सिविल कोर्ट के वार्षिक निरीक्षण के कम में हुआ। हालांकि महीने के द्वितीय शनिवार के कारण सिविल कोर्ट में अवकाश था। फिर भी सिविल कोर्ट में सभी अधिकारी, कर्मचारी कार्य दिवस की भाँति अपनी अपनी ज्यूटी पर तैनात दिखें । सुरक्षा के पुख्ता इंतजाम किए गए थे। किसी भी आम आदमी अथवा अधिवक्ता का न्यायालय परिक्षेत्र में प्रवेश प्रातिबंधित कर दिया गया था। परंपरा रही है कि निरीक्षी न्यायाधीश जब निरीक्षण के लिए सिविल कोर्ट आते हैं तो विधिज्ञ संघ के साथ एक औपचारिक बैठक कर व्यवस्था संचालन में पारदर्शिता लाने 'तु विचार विमर्श करते हैं। लेकिन संघ के पदाधिकारियों से मिली जानकारी के मुताबिक इस प्रकार के कार्यक्रम की सूचना माननीय न्यायमूर्ति द्वारा प्राप्त नहीं हुई है। मिली जानकारी के अनुसार सिविल कोर्ट के निरीक्षण के दौरान विभिन्न अभिलेखों की न्यायूर्ति के जाँच की । आवश्यक निर्देश जारी किए । इसके अलावा खगडिया शहर स्थित बाल सुधार गृह का भी निरीक्षण किया । जहा संचालित किशोर न्याय परिषद के अभिलेख का निरीक्षण तथा बाल सुधार गृह में रह रहे बच्चों को मिलने वाली सुविधाओं की समीक्षा की गई । प्राप्त जानकारी के मुताबिक न्यायमूर्ति व्यवहार न्यायालय गोगरी भी जाएंगे । "

4. It is alleged that the news item published had made a false statement that the entry of common people and advocates into the court premises was barred and restricted. It is



stated in the complaint that the gate of the Bar Association which opens into the premises of the Civil Court was open and the movement of common people through the aforesaid gate was unrestricted, in fact, the Hon'ble Judge of this Court also entered from the same aforementioned gate along with other officials around 05:30 PM and inspected the *Sangh Bhawan*.

5. Further it has also been alleged that the petitioner has also published the false news in the aforesaid news that the members of the Bar Association were not called for meeting with the Hon'ble Justice but the actual fact is that on 10.12.2022, the Ld. District Judge, Khagaria had himself in the afternoon informed and invited the President, Bar Association, Khagaria from his mobile phone regarding the meeting at 06:00 P.M. in evening, and accordingly, the President, Secretary and three other advocates of the Bar Association came to *Atithi Bhawan*, Khagaria for meeting and later on other advocates had also come to discuss various issues with the Inspecting Justice of this Court.

6. Further it has also been alleged that before this particular incident of false news, another news was published regarding the land of Khagaria Civil Court, on which Ld. District Judge, Khagaria, had cautioned the Chief Editor,



Bhagalpur not to publish such kind of false unverified news in future but despite of being cautioned, the local correspondent and editor-in-chief of Bhagalpur-based newspaper "*Hindustan*" and "*Dainik Jagran*" has published the aforesaid news and therefore he has committed offence under section 505 of the Indian Penal Code.

7. On the basis of the aforesaid allegations, the impugned F.I.R has been registered against the accused persons including the present Petitioner. It has been submitted by the learned counsel for the petitioner that the Ld. Chief Judicial Magistrate had ordered Respondent No. 4 to register the impugned FIR under section 156(3) of the Criminal Procedure Code in a mechanical manner and without application of judicial mind.

8. It has been submitted by the learned counsel for the petitioner that the petitioner is working as Editor (Chief Editor) of Hindustan Media Ventures Limited (Hindustan Newspaper) and the said newspaper company is engaged in the business of publishing newspapers, periodicals including Hindustan (Hindi), Nandan, Kadambini and other literary and print publications. It is emphasised by the learned counsel for the Petitioner that the entire allegations alleged by the



respondent no. 6 relates to publishing of alleged false information/article in the newspaper dated 11.12.2022, however, on 10.12.2022, a Press Release had been issued under the pen and signature of President of District Bar Association, Khagaria by which it was disclosed that neither the President nor the Secretary or any advocate including the common people were allowed to meet the Hon'ble Justice and on the basis of the press note, the Hindustan Newspaper as well as Dainik Jagran Newspaper regarding published the same in the newspapers on 11.12.2022. It is next submitted by the learned counsel for the petitioner that a bare perusal of said press note, clearly shows that no meeting was ever held between the Hon'ble Justice and the Advocates of District Bar Association, Khagaria. Therefore it is emphasised by the learned Counsel for the petitioner that the same has been published only on the basis of Press Release dated 10.12.2022 in good faith and without any intent to create enmity, hatred or ill will between the Bar, the Bench and the common people. It is reiterated that since the article was published in good faith based on the press release dated 10.12.2022, therefore no criminal liability can be fastened to the petitioner owing to the exception under section 505 I.P.C.

9. The learned Counsel for the petitioner next



submits that further submits that on 10.12.2022, was a second Saturday of the month and there was consequently a holiday on that very day but due to information received regarding the inspection by the Hon'ble Judge of this Court, the President, Secretary and other advocates were waiting for welcoming the Hon'ble Judge. Learned counsel for the petitioner further submits that it is not in dispute that in order to provide necessary security to the Hon'ble Inspecting Judge, the authorities of District Court, Khagaria had restricted advocates and common people to enter inside the campus and premises of the District Court, Khagaria and no meeting had been held between the Hon'ble Judge and the President, Secretary of the District Bar Association, Khagaria on that very day i.e. on 10.12.2022 inside the campus of District Court, Khagaria and therefore on 10.12.2022, a Press Release dated 10.12.2022, has been issued under the pen and signature of President of District Bar Association, Khagaria by which it was disclosed that neither the President nor the Secretary or any advocates including the common people were allowed to meet the Hon'ble Judge and on the aforesaid basis, the Hindustan Newspaper as well as Dainik Jagran Newspaper published the news item on 11.12.2022.

10. It has further been submitted that the



Petitioner is a journalist and has been involved in the media industry since long and till date, no adverse remark has been recorded against the petitioner and the said newspaper company with regard to any fake news published by the said newspaper company.

11. Adverting to section 505 of the I.P.C, the learned counsel for the petitioner further submits that *mens rea* of the accused is a crucial element in both parts of Section 505 of the Indian Penal Code. The statement, rumor or report must be made with the intention to incite or likely to incite the commission of an offence or disturbance of public tranquility. Additionally, the accused must also have knowledge or reason to believe that the statement, rumor or report is false. If the accused has made a statement, rumor or report without the intention to incite or likely to incite the commission of an offence or disturbance of public tranquility, or if the accused has made the statement, rumor or report believing it to be true, then the offence under Section 505 of IPC is not attracted.

12. It is next submitted by the learned Counsel for the petitioner that the provision of Section 505 of IPC contains an exception, that when a person making, publishing or circulating any such statement, rumour or report, has reasonable



grounds for believing that such statement, rumour or report is true and makes, publishes or circulates it in good faith and without any such criminal intent then the same would squarely fall withing the exception carved and the rigors of section 505 would not be attracted. The learned Counsel for the petitioner has vehemently argued that in the instant case the news item was published on the basis of Press Release dated 10.12.2022 issued by the President District Bar Association, Khagaria and therefore there was reasonable grounds in believing that the said information was correct and genuine and as such section 505 of the IPC could not be attracted.

13. In support of his submissions, learned counsel for the petitioner has relied upon the judgment of the Hon'ble Supreme Court in the case of *Vinod Dua Vs. Union of India (UOI) and Ors.* reported as **2021 SCC OnLine 414** and the judgment of the High Court of Jammu & Kashmir and Ladakh in the recent case of *Sushil Pandit v. UT of J&K*, reported as **2021 SCC OnLine J&K 696**. It is lastly submitted by the learned counsel for the petitioner on the strength of the aforesaid decisions that the impugned FIR is bad in law and no offence under section 505 of the IPC is made out against the petitioner.

14. Learned counsel for the State has opposed the



application of the petitioner.

15. I have heard and considered the submission of the parties.

16. Though, the State has opposed the prayer of the petitioner but during course of argument, on 26.06.2025, learned counsel for the State has agreed to the suggestion of this Court that if the newspaper in question publishes its clarification then perhaps the matter may be disposed of.

17. Today, learned counsel for the petitioner Mr. Dayanand Singh has produced a photocopy of the clarification published in the Hindustan Newspaper on 02.07.2025 from which it appears that the accused persons have realized their error.

18. In its judgment passed in the case of ***Vinod Dua Vs. Union of India (UOI) and Ors.,(Supra)***, the Hon'ble Supreme Court has held in Paragraph 87 as follows:-

“87. It must however be clarified that every Journalist will be entitled to protection in terms of Kedar Nath Singh reported in (1962) Supp 2 SCR 769, as every prosecution Under Sections 124-A and 505 of the Indian Penal Code must be in strict conformity with the scope and ambit of said Sections as explained in, and completely in tune with the law laid down in Kedar Nath Singh (1962) Supp. 2 SCR 769.”



19. In its judgment passed by the Hon'ble High Court of Jammu & Kashmir and Ladakh in the case of ***Sushil Pandit v. UT of J&K (Supra)***, the Jammu and Kashmir and Ladakh High Court has held as follows:-

“Considering exception to Section 505 IPC clearly provides that it does not amount to an offence when a person making, publishing or circulating such report, rumour or report has reasonable grounds for believing that such statement, rumour or report is true and makes, publishes or circulates in good faith and without any such intent, the Bench opined that the petitioner tweeted in good faith what he heard, believing it to be true, hence the impugned FIR was nothing but an abuse of process of law and the case of the petitioner fell within given exception.”

20. In view the fact that the petitioner or the newspaper Hindustan have acted on the press release of the President of the District Bar Association, Khagaria and acting on the same believing it to be true, they have published such a news report.

21. Considering the facts of the case, the clarification issued by the newspaper and the law laid down by the Hon'ble Supreme Court in the case of ***Vinod Dua (Supra)***, this application is allowed.

22. Accordingly, the FIR registered vide Khagaria



(Chitragupta Nagar) P.S. Case No. 1331 of 2022 dated 16.12.2022 (G.R. No. 3670 of 2022) and all consequential proceedings arising out of the same are hereby quashed.

(Sandeep Kumar, J)

Vikas/-

AFR/NAFR	NAFR
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