

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42331 of 2025

Arising Out of PS. Case No.-19 Year-2024 Thana- ISHUPUR BARAHAT District- Bhagalpur

Md. Mustkim Ansari @ Mustkim Ansari S/O Shahbuddin Ansari Resident of
Village- Barmasiya, P.S- Ishipur Barahat, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar No.6, Advocate

For the Opposite Party/s : Mr. Anish Chandra, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-07-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Ishipur Barahat P.S. Case No. 19 of 2024 lodged on 16.02.2024, for the offence punishable under Sections 153-A, 295 & 295-A of the Indian Penal Code read with section 66(F) of the Information Technology (Amendment) Act, 2000 pending in the Court of Judicial Magistrate 1st Class, Bhagalpur.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioner and one unknown person. It has been alleged in the FIR that the petitioner's daughter, either mistakenly or unknowingly, posted a controversial post on social media, hoisting the flag of another



religion on the Ram Temple in Ayodhya, with the intention of creating religious hatred among the public.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that petitioner is a labour and he does not operate social media account nor he has any smartphone, rather, the alleged mischief has been done by some other person. Counsel submits that the said social media account is of petitioner's daughter who is a minor girl and such post has been posted either mistakenly or unknowingly or by other persons. Counsel submits that the petitioner shall take care that in future, such mistake shall not take place from her daughter's social media account. Counsel also submits that the petitioner has no criminal antecedent.

5. Learned APP for the State opposes the prayer for bail of the petitioner but submits that the petitioner does not operate any social media account and he also does not have any smartphone to do such type of activity. Counsel submits that such type of thing has occurred only due to mistake.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected



with liberty that if, petitioner surrenders before the Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day considering that whether the ingredients of offence is made out against petitioner or not, without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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