

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45388 of 2025

Arising Out of PS. Case No.-127 Year-2024 Thana- SAHIYARA District- Sitamarhi

Md. Hassan Raja @ Hassan Raja @ Hassan Ansari S/o- Md. Israil Village-
Dihati Ps- Sahiyara Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-10-2025 Heard Mr. Pushpendra Kumar Singh, learned counsel
for the petitioners and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Sahiyara P.S. Case No. 127 of 2024 for the offence punishable under Sections 299, 197 of the BNS and under Section 66 of the Information Technology (Amendment) Act, 2000, lodged on 03.10.2024 by the informant.

3. As per the First Information Report, the petitioner in the name of Cyber Sisir Hassan Ansari posted an objectionable stuff about lord Sri Rama on social media with a view to hurt the sentiments of the Hindu community. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely on the basis of suspicion and he has not committed any offence as alleged in the FIR. Learned counsel for the petitioner further submits that



the petitioner being a poor person earns his livelihood by doing puncture repairing work of Tyre in Haryana. He is not even well equipped with the functioning of the mobile, so he cannot be expected to do such kind of activity which may hurt the feelings of the millions. The possibility of his mobile phone being misused by someone for posting the objectionable stuff without his knowledge cannot be ruled out. The petitioner has got no criminal antecedent and undertakes that in future no such incident would take place at his end and he will be taking all care that his mobile may not be misused. Lastly, it has been submitted that the prosecution has not obtained and produced Certificate under Section 65B (4) of the Indian Evidence Act which is mandatory and is a condition precedent for the admissibility of Electronic Evidence in order to substantiate that the said viral stuff was uploaded from the mobile of the petitioner, in view of judgment rendered in *Arjun Panditrao Khotkar vs Kailash Kushanrao Gorantyal* as reported in *(2020) 7 SCC 1*.

5. On the other hand, learned APP opposes the prayer for anticipatory bail of the petitioner submitting that though the petitioner has committed a blunder by posting such an objectionable thing but the fact that the said material was posted from his mobile and to ascertain the fact for such objectionable material having been posted from his mobile, the necessary



certificate under Section 65B (4) of the Indian Evidence Act, is not appearing in the case diary which was called for, by this Court for perusal and therefore, the possibility of the said material being misrepresented by someone else cannot be ruled out.

6. Considering the aforesaid submissions of the parties and taking note of the fact that the cogent material showing publication of objectionable item and appropriate certificate in terms of the judgment rendered by the Hon'ble Apex Court having not being procured as would be evident from the materials brought on record in the case diary and taking into consideration the undertaking given by the counsel for the petitioner that the petitioner will be taking all care in future that such things do not take place at his end, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail, in the event of arrest or surrender within a period of four weeks, from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Sitamarhi in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C / Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the



petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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