

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53349 of 2025

Arising Out of PS. Case No.-230 Year-2025 Thana- BUXAR District- Buxar

Situ Anasari @ Sittu Ansari @ Sintu Ansari S/o Mohammad Salim @ Md. Salim @ Mohm. Salim Ansari Resident of Villge - Ismailpur, P.S. - Buxar (Muffasil), District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vishwanand Upadhyay, Advocate

For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 152, 351, 352, 356(3) and 356(4) of the B.N.S., 2023, under Section 66 of the Information Technology (Amendment) Act, 2008 and under Section 2 of the Prevention of Insults to National Honour (Amendment) Act, 2003.

3. The brief prosecution case according to typed copy of the information given by SI, Manglesh Kumar Madhukar of DIU, Buxar is that on 10.05.2025 at about 03:40 PM, he got information on his mobile phone that one person



with Facebook Id in the name of Bittu Ansari is trying to dishonor Indian Flag and Indian Army and he is encouraging Pakistan Flag and Pakistan Army, due to which there is chance of breach of peace when there is a war like situation in the country. Thereafter, the informant made a request to take action against the user of the Facebook Id which was being used to dishonour Indian Flag and Indian Army. The allegation against the petitioner is that he also disrespected the Indian Flag and Indian Army by reposting and sharing the said post with other Facebook users.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. Learned counsel next submits that the petitioner carries clean antecedent as mentioned in the paragraph no. 3 of the bail application. He further submits that petitioner is in custody since 12.05.2025 and chargesheet has already been filed therefore, the investigation has been completed and no purpose would be served in keeping the petitioner in custody. Learned counsel lastly submits that since the petitioner claims clean antecedent, there is no question of tampering with the evidence or influencing any witnesses.

5. Learned Additional Public Prosecutor for the



State vehemently opposes the prayer for bail of the petitioner and submits that as per case diary, OPPO smartphone has been recovered from the custody of the petitioner in which the Facebook Id which was allegedly used for sharing derogatory post was logged in. He, therefore, submits that since the petitioner has also committed the offence by reposting the derogatory post, therefore, he should not be enlarged on bail.

6. Considering the aforesaid facts and circumstances of the case as well as the submissions made on behalf of the parties and also taking into account the fact that petitioner claims clean antecedent, and the allegation against him is only of reposting the so-called derogatory post, the allegation against the petitioner is not of generating the content from his Facebook Id., which was in fact generated by Bittu Ansari, the brother of the petitioner, who as per the father of the petitioner has filed an affidavit dated 30.06.2025 stating that his two sons namely, Bittu Ansari and the petitioner were living separately, considering all these aspects of the case and particularly the fact that the investigation has been completed by filing of the chargesheet and keeping the petitioner in custody would be of no significance, this Court is inclined to enlarge the petitioner on bail. Accordingly, the petitioner, above-named, is



directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending / successor Court, in connection with **Buxar (Town) P.S. Case No. 230 of 2025**, subject to the following conditions:

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in the Court on each date of the trial.

(iii) In case of absence on two consecutive dates without substantial reason, or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail



*bond in terms of the above-mentioned order shall not be
delayed for purpose of or in name of verification.*

7. Accordingly, the prayer for bail stands allowed.

(Alok Kumar Sinha, J)

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