

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66656 of 2025

Arising Out of PS. Case No.-402 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Shubham Bhardwaj @ Subham Bhardwaj, S/o Puttu Bhardwaj @ Himkar
Bhardwaj, R/o Mohalla- Pokhariya, Ashok Nagar Ward No. 36, P.S.- Nagar,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Adv. Mr. Amit Anand, Adv. Mr. Priya Kumari, Adv.
For the Opposite Party/s :		Mr. M.K.Nirala, App.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-09-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Muffasil (Singhaul) P.S. Case No. 402 of 2022, registered
for the offences punishable under Sections 505(11) and 34 of the
Indian Penal Code and Section 67 of the Information
Technology Act.

3. The informant who happens to be Sub-Inspector of
the concerned police station, disclosed that a video went viral on
27.07.2022 by the petitioner and one Pankaj Bhatt, who was
said to be reporter of BT News. It has been disclosed that a



Hindu woman and her daughter were being kidnapped and forcibly converted to another religion in village Dumri. On account of this viral news, the tension has arisen leading to unrest between two communities and likely to cause breach of peace and communal disruptions.

4. Learned Advocate appearing on behalf of the petitioner submitted that primarily the petitioner is not the news correspondent or reporter of BT News, rather co-accused Pankaj Bhatt is said to be the reporter of the said channel. Only on account of the fact the petitioner is in association with Bajrang Dal, his name has been implicated in this case. It is further contended that with regard to an occurrence for which a video went viral, a compliant has also been lodged by the husband of the Hindu girl, which led to institution of FIR bearing Mufassil P.S. Case No. 477 of 2022 and, as such, it cannot be said that the news which has been spread in the viral video was completely false. Only on account of criminal antecedent, as has been disclosed in paragraph no. 7, the prayer for bail of the petitioner stands negated by the Court below. To persuade this Court that mere criminal antecedent of a person cannot be a ground to negate the prayer for anticipatory bail. Learned Advocate for the petitioner also placed reliance upon a decision rendered by the



Apex Court in the case of *Prabhakar Tewari vs. State of Uttar Pradesh & Anr. (2020) 11 SCC 648*.

5. On the other hand, learned Advocate for the State vehemently opposed the pre-arrest bail application and submits that besides the delay in approaching this Court, the petitioner has actively participated in the crime and trying to disturb the communal harmony. The petitioner also bears seven criminal antecedent, which clearly suggest his habitual criminal intent and mind.

6. Having considered the submission set forth by learned Advocate for the respective parties and taking note of the fact that the husband of the victim girl has also filed a complaint which led to institution of the FIR and the investigation is still going on, that apart there is nothing on record which suggest that the petitioner happens to be a news reporter of the BT News and further even during the course of investigation no material has come forward, which suggest the involvement of the petitioner in crime. Moreover, this Court also finds that mere criminal antecedent of a person cannot be a ground to negate the prayer for bail, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four



weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Muffasil (Singhaul) P.S. Case No. 402 of 2022, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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