**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.78641 of 2026**

**CNR No. BRHC011105292026**

Arising Out of PS. Case No.-306 Year-2026 Thana- GRIYAK District- Nalanda

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Madhav Lal Kashyap Son of Chote Lal Kashyap @ Shivanand Kashyap Resident of Village - Gajipur, P.S.- Pawapuri, District - Nalanda, Bihar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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**Appearance :**
For the Petitioner/s : Mr. Kumar Bal Govind Singh, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**

ORAL ORDER

2 04-11-2026 Heard learned counsel for the petitioner and learned APP for the State.

02. In the present case, the petitioner seeks bail in connection with Giriyak (Pawapuri) P.S. Case No. 306 of 2026 registered for the alleged offences under Sections 196, 353(2), 351(3), 302 and 197(1) of the Bharatiya Nyaya Sanhita, 2023.

03. As per the prosecution case, the police instituted an FIR against the petitioner on the basis of a social media (Facebook) post made by the petitioner. It is alleged that the said post was intended to cause communal tension and social enmity, and to affect law and order.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not committed any offence and has not

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instigated any person to cause any communal disturbance. Learned counsel further submits that on the basis of the same allegation, earlier Nalanda Cyber P.S. Case No. 168 of 2026 was instituted, and in the said case, the petitioner has been granted bail by this Court vide order dated 23.09.2026 passed in Criminal Misc. No. 68344 of 2026. Learned counsel further submits that the petitioner was remanded from the said case to this case on 07.07.2026. Learned counsel also submits that the institution of two FIRs on the basis of the same allegation is against the provisions of law, as observed by the Hon'ble Supreme Court in the case of ***T.T. Antony v. State of Kerala (2001) 6 SCC 181***. Moreover, the allegations only show the commission of offences under Sections 196, 353(2), 351(3), 302, and 197(1) of the BNS, which all carry a punishment of three years or less, and the custody of the petitioner is not proper in light of the decision of the Hon'ble Supreme Court in the case of ***Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273***. The petitioner is having antecedent of eight cases, but all the cases were instituted in a similar manner and, out of those, the petitioner is on bail in six cases. Charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner.

06. Having regard to the facts and circumstances and

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submission made on behalf of the parties and considering the institution of two FIRs on the basis of same allegation and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Nalanda at Biharsharif in connection with Giriyak (Pawapuri) P.S. Case No. 306 of 2026, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates 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.

**(Arun Kumar Jha, J)**

Ashish/-

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