

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34826 of 2021**

Arising Out of PS. Case No.-270 Year-2019 Thana- KAKO District- Jehanabad

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MALLICK WASIF MD HASNAIN @ BASU Son of Hasnain Diwane
Resident of Village - Kako, Mallick Tola, Distt.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Dular Sah, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER**

2 23-05-2022 Heard learned counsel for the petitioner and learned APP
for the State.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in connection with Kako P.S. case No.270/2019 registered under Sections 153(A), 295(A), 505(2) of the Indian Penal Code and Section 66 of I.T. Act, pending in the court of Sub Judge 1, Jehanabad.

Prosecution case, in short, is that the petitioner shared a video on facebook, which contained defamatory and derogatory remarks regarding Goddess Durga.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner



has falsely been implicated in the present case. As per the allegation, some objectionable videos were uploaded on the facebook account of the petitioner. It is further submitted that the account of the petitioner was hacked and he had no knowledge regarding the video which got shared/uploaded on his facebook account.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. The case has been instituted for offence under Section 66 of I.T. Act alongwith other allied Sections of the I.P.C. There is specific allegation that the videos, which were uploaded by the petitioner, were defamatory and derogatory remarks in respect of Goddess Durga. It was nothing but only to disturb the social harmony in the society.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected.

If the petitioner surrenders before the court below and prays for regular bail, same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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