

(2020) 11 JH CK 0114
In the Jharkhand High Court
Case No : A.B.A. No. 2328 Of 2020

Barik Sah @ Md. Barique @ Barki Sah	APPELLANT
Vs	
State Of Jharkhand	RESPONDENT

Date of Decision : 02-11-2020

Acts Referred:

Indian Penal Code, 1860 — Section 295
Information Technology Act, 2000 — Section 66(C), 66(D)
Code Of Criminal Procedure, 1973 — Section 438(2)

Citation : (2020) 11 JH CK 0114

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Md. Zaid Ahmed, Ravi Prakash

Judgement

Heard the parties through video conferencing. Learned counsel for the petitioner personally undertakes to remove the defects as pointed out by the

stamp reporter within two weeks after the lockdown period is over.

In view of the personal undertaking of the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest, the petitioner has moved this Court for grant of privilege of anticipatory bail in connection with Patratu P.S. Case No.16 of

2020 registered under sections 295 of the Indian Penal Code and under Section 66 (C)/(D) of I.T. Act.

The Learned counsel for the petitioner submits that the allegation against the petitioner is that the petitioner shared some objectionable material in

social media hurting the religious sentiments of a particular class of citizens of India. It is further submitted that the allegations against the petitioner

are all false and drawing attention of this Court to Annexure-2 at page no.19- 20

of the brief, which is a copy of the certified copy of the joint compromise petition filed by the parties in the court of Sessions Judge, Ramgarh, learned counsel for the petitioner submits that the parties have settled the matter outside the Court and good sense has prevailed between the parties. It is then submitted that the petitioner is ready and willing to cooperate with the investigation of the case and also undertakes that he will not make any posting in any social media during the pendency of the case. Hence, it is submitted that the petitioner be given the privilege of anticipatory bail. Learned Spl. P.P. opposes the prayer for grant of anticipatory bail. Considering the submissions of the counsels and the fact as discussed above, I am of the opinion that it is a fit case where the above named petitioner be given the privilege of anticipatory bail. Hence, in the event of his arrest or surrender within a period of six weeks from the date of this order, he shall be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Ramgarh, in connection with Patratu P.S. Case No.16 of 2020 with the condition that the petitioner will cooperate with the investigation of the case and appear before the Investigating Officer as and when noticed by him and will furnish his mobile number and a copy of his Aadhar Card in the court below with the undertaking that he will not change his mobile number during the pendency of the case with further condition that he will not make any posting in any social media during the pendency of the case subject to the conditions laid down under section 438 (2) Cr. P.C.