

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 8056 of 2022

Shambhu Paswan

..... Petitioner

Versus

The State of Jharkhand

.....Opposite party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Randhir Kumar, Advocate

For the State : Mr. Shailendra Kumar Tiwari, Spl.P.P.

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Order No.06/ Dated:31.01.2023

Heard learned counsel for the parties.

Apprehending his arrest in connection with Koderma P.S. Case No. 89 of 2022 instituted under Sections 295A, 505(1)(B)(C), 34 of the Indian Penal Code and Section 67 of the Information Technology Act, the petitioner has moved to this Court for grant of privilege of anticipatory bail.

As per F.I.R., allegation is that petitioner has uploaded objectionable photo on the social media, i.e. on what's app, facebook and twitter in order to disturb the communal piece and harmony against maintenance of law and order in the society.

Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all rather he has been falsely implicated in this case due to politics. Petitioner has no criminal antecedent. It is lastly submitted that the petitioner undertakes to co-operate with the investigation of the case and also abide by all terms and conditions which may be imposed in the matter of granting anticipatory bail to the petitioner. Hence, the petitioner may be extended the privilege of anticipatory bail.

Learned Spl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner and submitted that there is serious

allegation against the petitioner showing his involvement in the offence tending to influence communal disharmony and piece which frequently takes place in Koderma district. It is submitted that notice under Section 41(A) has also been served but he did not appear before the I.O. to facilitate the investigation, abiding and cooperating with the investigation of the case also, hence, petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of this case, materials available against the petitioner and his conduct of non-compliance of the notice issued under Section 41(A) Cr.p.c, I am not inclined to grant privilege of anticipatory bail to the petitioner, which stands rejected.

Petitioner is directed to surrender before the court below and pray for regular bail, the learned court below shall consider the same on its own merits, without being prejudiced by this order.

(Pradeep Kumar Srivastava, J.)

R.K/