

IN THE HIGH COURT OF JHARKHAND AT RANCHI
A.B.A. No. 10592 of 2022

Md. Imran

....

....

....

Petitioner

Versus

The State of Jharkhand

....

....

...Opposite Party

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner

: Mr. Sanjay Kr. Pandey, Advocate

For the State

: Mrs. Kumari Rashmi, Addl.P.P.

Order No. 05 Dated- 17.03.2023

Heard learned counsel for the parties.

Apprehending his arrest in connection with Jai Nagar P.S. Case No. 240 of 2018 instituted under Sections 153A, 295A, 505(1)(b)(c)/354A of the Indian Forest Act and Section 67 of the Information Technology Act, the petitioner has moved this Court for grant of privilege of anticipatory bail.

As per FIR, allegation is that on 18.09.2018, on the occasion of Vishwkarma Puja, a procession was going on at Jainagar Chowk, near Imambara, due to which social harmony got disrupted and communal tension developed between Hindu and Muslim community and they started pelting stones at each other and police arrived at the place of occurrence to pacify the matter. Meanwhile, members of both community started posting several objectionable messages and photos on whatsapp and facebook against Chairman of Zila Parishad, Koderma. The allegation against the petitioner is that he was involved in posting materials against the Chairman and he also pelted stones at police officials and deterred them from discharging their duties.

Learned counsel for the petitioner has submitted that petitioner is innocent and has committed no offence at all as alleged in the F.I.R. Neither he was involved in the alleged occurrence nor has he incited any one to disturb communal harmony. Except the above post made viral on Facebook, there is no other material against the petitioner and the said message is not sufficient to provoke communal riots or disturb the law and order situation. Petitioner has no criminal antecedent. He is ready to abide all terms and conditions which may be imposed in the matter of granting anticipatory bail. In case of arrest at the hands of the

police, petitioner shall sustain substantial loss. Hence, it is submitted that the petitioner may be extended the privilege of anticipatory bail.

Learned Addl.P.P appearing for the State opposes the prayer for anticipatory bail of the petitioner and submitted that although the message posted by the petitioner was individually offensive against the Chairman, Zila Parishad but it has also affected the law and order situation, causing communal fear and has disturbed the social harmony. As such, petitioner does not deserve anticipatory bail.

Considering the facts and circumstances of this case, the nature of allegation coupled with materials on record and the role played by the present petitioner in the whole episode by way of forwarding the aforesaid message and nature of message alleged to be posted by the present petitioner, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court below within four weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Koderma in connection with Jainagar P.S. Case No. 240 of 2018 with the condition that he will co-operate with the investigation of the case and appear before the investigating officer as and when noticed by him and furnish his mobile number and photocopy of the Aadhar Card with an undertaking that he will not change his mobile number during the pendency of the case and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Pradeep Kumar Srivastava, J.)