

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62512 of 2025

Arising Out of PS. Case No.-60 Year-2025 Thana- Cyber P.S. District- Nawada

Tirpurari Kumar Tiwari @ Manish Kashyap S/O Udit Kumar Tiwari R/O
Village- Mahnawa, P.O and P.S- Majhaulia, District- West Champaran at
Bettiah.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Devashish Giri, Advocate

For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State

2. The accused-petitioner, named in the F.I.R. as Manish Kashyap, son of Bihar, with all details of his URL of his social media "X" Account, who is apprehending his arrest in connection with Cyber P.S. Case No. 60 of 2025 registered for the offences punishable under Sections 353, 125, 299, 61(2), 196, 3(5) of the Bhartiya Nyay Sanhita, 2023 (in short, the 'B.N.S.') and section 66 and 66(F) of the Information Technology Act.

3. As per FIR, petitioner alleged to upload the video of a railway track showing insertion of stones between the fish-plates of railway tracks by different persons. It is alleged that



aforesaid video was uploaded to social media only to tarnish the image of railway, which may further invite the occurrence of sabotage within the railway premises, uploading such video was alleged as *modus operandi* of petitioner for creating such rumours etc.

4. Mr. Devashish Giri, learned counsel appearing on behalf of the petitioner submitted that alleged video was uploaded by this petitioner as it was received by him from social media platform tagging Ministry of Railway as to verify its genuineness and if found correct an appropriate action may be taken against the culprits.

5. It is further submitted that if the petitioner had bad intention to spread rumours or to invite any sabotage, the video as annexed with FIR would not be tagged with railway ministry. It is submitted that allegation to spread rumours is also not convincing for the reasons that if same had otherwise intention of the petitioner, then, it was also to be uploaded on facebook, where petitioner has 5.2 million followers.

6. Arguing further, Mr. Giri submitted that from facial perusal of FIR, *prima facie* no criminal case made out against



the petitioner as he was simply exercising his fundamental right *qua* freedom to speech and expression as available under Article 19 of the Constitution of India.

7. Explaining criminal antecedent as the petitioner found involved in 21 cases, it is submitted that petitioner is a famous You-tube influencer and also joined politics recently. It is submitted that for the said reasons he was implicated in several cases, but out of 21 cases, he is on bail in 15 cases, whereas he was discharged by learned trial court in two cases and, further, in two cases he was acquitted by the learned trial court. It is submitted that one case was disposed of by learned trial court against fine.

8. In this context, it is further submitted that if merit of the case is otherwise convincing, ordinarily prayer of bail of the accused/petitioner should not be declined. In support of his submission, Mr. Giri relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari Vs. State of U.P. and Another** reported in **(2020) 11 SCC 648**.

9. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

10. In view of the aforesaid factual submissions and by taking note of the fact as video in issue *prima facie* uploaded on social media as it was gathered by the petitioner from social media without any change in its content for information to Ministry of Railway, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada/concerned court in connection with Cyber P.S. Case No. 60 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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