

24.01.2022

A bail petition on behalf of accused Dinesh @ Dinesh Kumar @ Dinesh Singh, who is in judicial custody since 16.12.2021 in relation to Economic Offence Unit P.S. Case No. 30/2021 dated 15.12.2021, has been filed. A copy of the petition has been duly served upon the learned Special Public Prosecutor. Case called out.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated and made a victim of high handedness and arbitrariness of police in this case even when he has not committed any offence. It has also been submitted that the petitioner does not have any criminal antecedent and no ingredient of either Sec. 505 of I.P.C. and/or Sec. 66 and 67 of IT Act has been made out against this petitioner because the petitioner has never tried to issue any false statement or rumour. It has been further submitted that the case of the petitioner falls under exception to Sec. 505 of I.P.C. and the requirements of Sec. 41 of Cr.P.C. has also been not followed in this case during the time of his remand. It has also been submitted that this FIR has been lodged by the order of the Hon'ble Patna High Court in which it was ordered to constitute an expert team but such expert team was never constituted and the petitioner was arrested in extreme haste by the police. It has been finally submitted that the petitioner is languishing in judicial custody since 16.12.2021. In the light of above it has been prayed that the petitioner be enlarged upon bail.

Learned Special Public Prosecutor opposes the bail prayer vehemently by submitting that this petitioner has repeatedly made utterances using social media platforms like facebook and Youtube in which he has used abusive languages against high dignitaries like Hon'ble The Chief Justice of India, The Chief Justice of Patna High Court, The Chief Justice of Ranchi High Court, other Hon'ble Judges, The Law Minister and various other dignitaries, which were capable of causing fear or alarm to the public and were capable of inducing the public to commit an offence against the state and public tranquility. It has also been submitted that the petitioner has committed these offences repeatedly from 25.03.2018 till the time of filing of this case and he has done so knowingly because he is an experienced advocate and can not be said to be unaware of the consequence of his utterances and the provisions of law. Ld. Special Public Prosecutor has also referred to paras 6, 14, 61, 62, 66, 67, 71 & 74 of the case diary and submitted that all the allegations made in the FIR have been supported by cogent evidences and therefore guilt of the accused petitioner gets clearly reflected. In the light of these submissions Ld. Special Public Prosecutor has prayed that this bail petition be rejected.

After hearing the parties, I have perused the case record from which it transpires that this FIR has been lodged against the petitioner for offences U/S 201, 504, 505 of I.P.C. and 66, 67(c) of IT Act consequent to the order dated 15.12.2021 passed by The Hon'ble Patna High Court in Cr. Misc. No. 38807 of 2020 in which the EOU was directed to investigate the conduct of this petitioner regarding the abuses made by him on various social media platforms against the high dignitaries including the the then Hon'ble Chief Justice of India, Hon'ble Judges of the Supreme Court, the then Hon'ble Union Law Minister, Hon'ble Judges of Patna High Court, the then Hon'ble Chief

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Justice of Ranchi High Court, other Hon'ble Judges as well as the and other dignitaries and also to register an FIR and investigate into the allegations.

Case diary is available on the record. Four Youtube links have been mentioned in para 4 through which this petitioner has been using abusive language against Hon'ble Courts, Hon'ble Union Law Minister and members of Parliament and Legislative Assemblies. Further in para-14 the police has found this petitioner to be repeatedly using abusive languages against Hon'ble Court, Hon'ble Union Law Minister and Hon'ble members of Parliament and Legislative Assemblies and he has also tried to delete these posts with a view to cause disappearance of evidences. Further in para 61, 62 various posts made by this petitioner from his facebook account has been brought on record and in all these posts he has made serious abuses against the then Union Law Minister Sri Ravi Shanker Prasad, the then Chief Justice of India, the present Chief Justice of Patna High Court Hon'ble Sri Sanjay Karol, the then Chief Justice of Patna High Court Hon'ble Justice Sri A P Shahi, the then Senior Judge of Patna High Court and present Chief Justice of Ranchi High Court Hon'ble Justice Dr. Ravi Ranjan, Advocate General of Patna High Court Sri Lalit Kishore, Sri Yogesh Chandra Verma, Senior Advocate Patna High Court, Sri Anshul Verma, Advocate Patna High Court and many others. He has not only used the abusive languages but also posted the picture of a dog in one of his facebook posts and using an innuendo he has written that " his name is Manjan Gogoi and he molests and sells himself,.... The bloody doggy". He has also used the words like 'langa-lafanga' against the learned Advocate General for the State of Bihar. He has also tried to inflame caste hostilities by trying to use languages meant to foment caste rivalries. In para 66 and 67 it has been mentioned that the mobile number used for posting this social media post was verified and the SIM was found to be registered in the name of this petitioner. Similarly in para 71 of the case diary the URL from which the Youtube posts were uploaded have been mentioned in details and these are found to be in the name of the petitioner. Thus, there are enough evidences to support the allegations mentioned in the FIR.

The petitioner has uploaded these post not once or twice but he has been repeatedly doing so since 25.03.2018 and has not stopped till he was sent in judicial custody in connection with this case. His actions and languages gradually became more abusive and vituperative and his utterances traversed a trajectory which had no bounds. His sinister intentions get further manifested from the fact that he has also tried to delete some of the post and tried to cause disappearance of evidences against him. The petitioner is a sufficiently experienced advocate practicing at Hon'ble Patna High Court. Therefore he can not be equated to a by-stander or a common man who does not know the provisions of law or its nuances. Being an advocate and an officer of the court and therefore a complementary part of the grand institution of justice delivery, he was not only under a greater obligation to abide by the dictums of law and to show restraint and a balance in his opinions and words but also to uphold the majesty of towering institutions like Hon'ble Supreme Court and Hon'ble High Courts as well as the highest

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offices like those of the Union Law Minister, Advocate General etc. He ought to have been cognizant of the fact that his repeated posts and utterances had the capabilities to erode the trust of public in these institutions of highest degree and repute. Hon'ble Apex Court and High Courts have been commanding the highest respect and trust of the public by its actions through out the history and on numerous occasions they have come up as saviors of democracy and human rights in India. Therefore any erosion or breach of trust of the public in the highest institutions of democracy would not only invite breach of public peace or tranquility but may also result into an unprecedented rebellion which may be catastrophic to the very social and constitutional fabric of the nation. The petitioner by his repeated acts and conducts has committed acts which were capable of causing fear or alarm to the public and were capable of inducing the public to commit an offence against the state and public tranquility. The case is still under investigation and as per para 74 of the case diary the IO has also prayed for obtaining the voice sample of the petitioner for further investigation.

Hence, in the light of above facts and circumstances, I do not find it proper, in the interest of justice, to enlarge this petitioner on bail. Accordingly, his prayer for bail stands rejected. Let a copy of this order be sent to the court below.

Sd/-

Addl. Sessions Judge IX,
Patna.