

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32409 of 2026

Arising Out of PS. Case No.-5 Year-2025 Thana- VIGILANCE District- Patna

Rishu Shree S/o- Sri Vinod Kumar Sinha R/v- 5 A, Kamtaram Enclave
Mithapur Khagaul Road Besides Dayanad Boys School Mithapur Patna PS-
Jakkanpur District- Patna

... .. Petitioner/s

Versus

The State of Bihar through Special Vigilance Unit, Bihar Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Nandita Rao, Sr. Adv. Mr. Arshadeep Singh Khurana, Adv. Mr. Kumaresh Singh, Adv. Mr. Ujjwal Raj, Adv. Mr. Shruti, Adv. Mr. Anirvan Choudhary, Adv. Ms. Jyoti Prakash, Adv. Mr. Sahil Kumar, Adv.
For the SVU	:	Mr. Arvind Kumar, Adv.
For the ED	:	Mr. Zohaib Hossain, Special Counsel, ED Mr. Prabhat Kumar Singh, Adv. Mr. Pranjali Tripathi, Adv. Mr. Vishal Kumar Singh, Adv. Mr. Utsav, Adv.

CORAM: HONOURABLE MR. JUSTICE ANSUL
ORAL ORDER

3 24-06-2026 Heard the parties.

2. The instant application has been filed for quashing of the entire criminal proceedings pertaining to Special Vigilance Unit Case No. 05 of 2025 dated 30.04.2025.

3. Counsel for the ED, Mr. Zohaib Hossain appeared and he stated that in the round of litigation in connection with same FIR, the petitioner has filed Cr.WJC No. 1046 of 2025 in which they added as a party but here they have not been added as a party.



4. Counsel for the petitioner is directed to add Enforcement Directorate as party respondent.

5. Mr. Zohaib Hossain, counsel for the ED seeks time to file counter affidavit to bring the materials available on record.

6. Counsel for the SVU also seeks time to file counter affidavit. The counter affidavit must explain the reasons for delay of one year in conducting the raid after registration of FIR.

7. Counsel for the petitioner Ms. Nandita Roy, Sr. Adv. Has stated that one more thing is very relevant in this case that an FIR was registered and after more than a year of registration of FIR raid was conducted in the residential premises on 27.05.2026 and he was arrested on the same date. She states that in the raid nothing incriminating was found against him still after arrest various television channels, newspapers, online news portal and social media handles commenced extensive and lurid coverage of the case, broadcasting one sided narratives, unverified allegations and prejudicial content that portrays the petitioner as guilty even before commencement of trial. Several prime time news debates were conducted by prominent TV anchors wherein the petitioner



was condemned, vilified and subjected to public humiliation without any opportunity to present his side. Such coverage has direct effect of influencing public opinion against the petitioner, prejudicing the minds of potential witnesses and creating an atmosphere inimical to fair trial.

8. She further states that in the case of *State of Maharashtra v. Rajendra Jawanmal Gandhi*, reported in *(1997) 8 SCC 386*, unequivocally stated that “ A trial by press, electronic media or public agitation is the very antithesis of rule of law.”

9. In *M.P. Lohia v. State of West Bengal* reported in *(2005) 2 SCC 686* the Hon’ble Supreme Court held that it is not proper for the press or the electronic media to project a one-sided picture of events before the public in matters which are sub-judice.

10. In *Sahara India real Estate Corporation Ltd. & Ors. v. Securities and Exchange Board of India & Anr.* Reported in *(2012) 10 SCC 603*, the Hon’ble Supreme Court held that the courts have the power to impose prior restraints on publications in exceptional cases where there exists a real and substantial risk.

11. This court has gone through the annexures in the



Interlocutory Applications No. 01 of 2026.

12. There is a report where the heading is Bihar's Curious Case of an indispensable engineer: What an ED probe found. Another report says Bihar Police searches houses of two IAS officers over tender scam. In another news, the photograph of the petitioner is there and it says: Tender scam accused Rishu avoids direct answers, denies wrongdoing. One news writes: "As the Bihar government's focus is on development and infrastructure projects worth thousands of crores, Rishu Sinha created a network to pay a decent commission to government officials for securing tenders". One newspaper states that: ED raids 7 places in Patna and kept counting cash for 8 hours using 4 machines.

13. It is to be seen that these news items are not only in the mainline press or Television channels but the social media platforms are flooded with news declaring the petitioner a guilty person without even initiation of the trial.

14. The petitioner may be accused of a serious case his rights to get a fair trial would not be ousted by the magnitude of the allegation i.e. levelled against him there are freedom of the press guaranteed under Article 19(1)(A) of the Constitution is subject to reasonable restriction under Article



19(2) in the interest state security, public order, decency, morality, defamation and incitement to an offence.

15. Maligning the image of a person who is yet to be held guilty may come within the ambit of defamatory act, immoral act or even an indecent act. This is pre-judging the issue when the matter is subjudice.

16. In the case of **Mahua Moitra** decided on 23.02.2024 in **W.P. (c) 2676/2024** an Office Memorandum dated 01.04.2010 issued by Government of India which is an advisory on Media Policy of Police. It stated while sharing information to the public through the media appropriate information as is professionally necessary is shared without hampering the process of investigation or issues of legal/privacy rights of the accused/victims and matters of strategic and national interest.

17. Apart from that Senior Counsel for the petitioner, counsel for the ED also expressed his ex-pleasure over the type of reporting that is going on with regard to the case and with regard to the recent trend of media trial.

18. This Court is clearly aware of the judgments passed in the case of **Indian Express Newspaper Pvt. Ltd. v. Union of India** reported in **(1985) 1 SCC 641** which established the idea of free press. In **LIC v. Manubhai D. Shah (Prof.)**



reported in **(1992) SCC 637** where the court held that in any set-up more so in a democratic set-up like ours dissemination of news and views for popular consumption is a must and any attempt to deny the same must be frowned upon.

19. Having seen both sides of the coin, this court is clearly not in a view of media gag over the issue. However, the court would certainly direct for control over irresponsible reporting and imputation of guilt upon the petitioner without any initiation trial at all.

20. In that view of the matter the court issues following directions: Pending consideration of the present petition all print, electronic, digital and social media platforms shall be at liberty to report the factual developments concerning the case and proceedings before competent courts. However, none of the above would:

(a) Describe the petitioner as guilty of the offences alleged.

(b) Portray the petitioner as having committed the offences alleged.

(c) Publish or broadcast material pertaining to determine criminal liability.

(d) Use expressions imputing guilt like mastermind,



scamster, kingpin or equivalent description conveying criminal responsibility.

(e) Conduct media trials based upon alleged confessions, investigation material, unproved document whose evidentiary value is yet to be determined.

(f) However, nothing in this order shall prevent fair, accurate and objective reporting of the proceedings pending before the court or publication of the facts.

21. The above restraint shall extend to digital publications, online portals, video streaming services, podcast, social media accounts, channels and other internet based platforms.

22. Put up this case on 10.07.2026 for further hearing.

(Ansul, J)

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