

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45942 of 2022

Arising Out of PS. Case No.-235 Year-2021 Thana- MAJORGANJ District- Sitamarhi

RAJAN SAH @ RAJAN KUMAR Son of Bigan Sah Resident of Village -
Sonaul Mahoday, P.s.- Majorganj, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 307 of the
I.P.C. & 25(1-b)a/27/35 of the Arms Act and 66(F) Information
Technology Act.

According to prosecution case, the informant alleges
that after perusal of viral video on 03.12.2021 of marriage
ceremony dated 21.11.2021 of P.S. Mejoranj and after its
confirmation it was found that the said video was related to
marriage ceremony of daughter of Ramesh Sah in which illegal
arms were used and displayed. It has further been alleged that



brother of marriage girl, Ritik having friend of criminal background including the petitioner had come with illegal arms to participate in marriage ceremony and all of sudden they displayed the same and made firing 2-3 times which may cause death of any person and the people of vicinity had become afraid.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioner and also transpires from the FIR that the allegation as alleged in the FIR is absurd and no such occurrence took place and on the basis of the video footage, the present FIR has been instituted against the petitioner and other accused persons. He further submits that co-accused namely, Nitish Kumar has been granted privilege of anticipatory bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 23.08.2022 passed in Cr. Misc. No. 13884 of 2022 and the case of the petitioner is similar footing.

The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner.



Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Majorganj P.S. Case No. 235 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any state it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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