

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4490 of 2023

Arising Out of PS. Case No.-338 Year-2021 Thana- CHAKIA District- East Champaran

RAHUL KUMAR Son of Umesh Prasad Chaurasia Resident of village -
Deopur, P.S.- Chakia, District - East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 401 and 506 of the Indian Penal Code and Sections 66 F & 84 C of Information Technology Act, 2008.

As per averment of FIR, the case of the prosecution is that during the course of patrolling, the informant received an information that a photograph has been made viral with an intention to terrorize the public, in which petitioner and one other accused Mohit Kumar are seen with a firearm near Kuwawa Chowk. After giving information to S.O., the informant proceeded to that place, where seeing the police vehicle, a person started fleeing away, but he was apprehended



by the police force, who disclosed his name as Mohit Kumar. Thereafter, in presence of witness, on search, a Vivo Y-2 mobile phone was recovered from the apprehended accused person. On query, the apprehended co-accused disclosed that he has made viral the alleged photograph and the alleged pistol belongs to petitioner. He further disclosed that he is member of a gang, in which there are 15 boys and they used to make photograph viral with firearm. They also used to commit theft.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that petitioner has not been arrested from the place of occurrence and nothing has been recovered from his possession. The name of the petitioner has been transpired in this case on the basis of the confessional statement of the apprehended co-accused. There is no any concern of the petitioner with this case. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of case and



nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, if the petitioner surrenders before the learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

