

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14452 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- BAKHARI District- Begusarai

1. ARUN KUMAR @ FUSAL @ ARUN YADAV S/o Ram Vilash Yadav R/o Village- Parihara, P.S.- Bakhri, Distt- Begusarai.
2. Kishori Mahton S/o Sakaldev Mahton VILL R/o Village- Parihara, P.S.- Bakhri, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Bakhri P.S. Case No. 340 of 2022 for the offence registered under sections 188, 285, 307 of the Indian Penal Code, section 25(9) of the Arms Act Amendment, 2019 and section 27 of the Arms Act, 1959 lodged on 02.11.2022 by the informant, Naveen Singh.

The case of prosecution as per written report of one ASI Navin Singh is that on 01.11.2022 the Senior police officer informed him that a video is being viral and the information has been received in the office and directed him to inquire about it



video and to take necessary action. Accordingly, the SHO of Parihara O.P. alongwith other armed police force alongwith '*chaukidar*' proceeded. The villagers disclosed that in the night of 31.10.2022, Rana Kumar, Niraj Kumar organized program on the occasion of '*Chhath Puja*' and selected persons were invited for visiting the program. They further disclosed the names as Phojal @ Arun Yadav, Rahul Yadav, Niraj Yadav, Subodh Bind and Rajesh Yadav, Bibhuti Choudhary, Rana Kumar Yadav, Ranvir Kumar, Kishori Mahto, Ram Kumar Mahto and the participants in the video was/were seen with pistol in their hands in course of dancing. Accordingly, the FIR.

It has been submitted by the learned Counsel for the petitioners that although the FIR states about a viral video organizing orchestra party and also indiscriminate firing, neither the same is on record nor there is allegation against him of being one of the participant.

Further the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner (s) on its own would like to contribute Rs. 5,000/- each to the Chief Minister's Relief Fund.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that without prior



approval, the said occurrence took place.

Considering the fact that the petitioners do not have criminal antecedent, from the alleged viral video it is not clear who were the persons behind the said occurrence ultimately they will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail subject to payment of Rs. 5,000/- each i.e. Rs. 10,000/-.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M., Begusarai in connection with Bakhri P.S. Case No. 340 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;



(iii) the petitioners shall appear before the concerned police station every fortnight for next one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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