

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15813 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- JANKINAGAR District- Purnia

1. RAM KRISHNA MANAS @ BOLBAM S/O LATE YOGENDRA PRASAD SINGH R/V- JHALIGHAT, P.S.- JANKI NAGAR, DISTRICT- PURNIA
2. AMIT KUMAR AMAN @ RAJU S/O DINESH RAY R/V- JHALIGHAT, P.S.- JANKI NAGAR, DISTRICT- PURNIA
3. HEMKANT JOSHI @ HIMKANT JOSHI @ HEM KANT JOSHI S/O SHYAM YADAV R/V- JHALIGHAT, P.S.- JANKI NAGAR, DISTRICT- PURNIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, 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 Janki Nagar P.S. Case No. 285 of 2022 for the offence registered under Sections 188, m290 and 506 of the Indian Penal Code, section 27 of the Arms Act and section 25(9) of the Amended Arms Act, 2019 lodged on 05.11.2022 by the informant, Pradip Paswan.

The prosecution case, in brief, is that the instant case has been lodged on the basis of the statement of Chaukidar, Pradeep Paswan. On 4.11.2022, Informant was on duty when he



heard about two viral videos. In one video, there was stage prepared for Orchestra near Kali Mandal, under Ward No.13 where present Mukhia had inaugurated the said Orchestra programme. It happened in the night of 31.10.2022 in which no permission was sought.

These petitioners being named in the FIR and in their presence one of the co-accused Gajendra Yadav opened fire in air by illegal pistol. In the second video, during dance by Orchestra party co-accused Gajendra Yadav again opened fire in the air by fire arms and another person in black jacket was also trying to make fire by taking the arms from the hand of co-accused Gajendra Vad made fire in air.

Informant has alleged that the said Orchestra programme was organized without any permission from the local administration and shot firing in air by firm arms for creating hevoc.

Accordingly, the FIR.

It has been contended by the learned counsel for the petitioners that in the viral videos, he was only seen being present and the main allegation of firing is on one Gajendra Yadav. Last submission is that none of the petitioners carry criminal antecedent.



Learned APP for the State opposes the prayer for bail.

Considering the submissions put forward by the learned counsel for the petitioners as also the fact that none of them have criminal antecedent, this Court is inclined to grant them privilege of bail.

Let the petitioner, 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 Judicial Magistrate, First Class, Purnia in connection with Janki Nagar P.S. Case No. 285 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 petitioner who shall provide official document to show his/her *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 six months 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 the bail bonds.

(Rajiv Roy, J)

Jagdish/ Neha-

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

