

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41828 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- ANTICHAK District- Bhagalpur

RAJEEV GUPTA @ RAJEV KUMAR GUPTA S/O ASHOK GUPTA @
ASHOK PRASAD GUPTA R/O AT- PARSHURAMCHAK, PS.
ANTICHAK, DIST. BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 02-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner is apprehending his arrest in
connection with Antichak P.S. Case No. 44 of 2023 registered
for the offences punishable under Sections 30 and 27 of the
Arms Act.
3. As per prosecution case, on 05.05.2023 informant
received two videos on his whatsapp. In second video one
person, keeping pistol in his hand, was firing and dancing who
was identified by local Chaukidar as present petitioner.
4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case.



Petitioner bears no criminal antecedent. No incriminating article has been recovered from the conscious possession of the petitioner. From bare perusal of fardbeyan no date of uploading video has been stated by the informant and also no mobile was recovered. As per I.T. Act no authentication of Author of social media has come. So no case of Arms Act is made out against the petitioner. Learned counsel further submits that from bare perusal of fardbeyan, it is also not mentioned that on which social media platform this video was uploaded, therefore, no case under Section 27 Arms Act is made out against the petitioner.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions



Judge, Bhagalpur in connection with Antichak P.S. Case No. 44
of 2023, subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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