

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67882 of 2023**

Arising Out of PS. Case No.-780 Year-2023 Thana- GAYA MUFASIL District- Gaya

Sujit Kumar S/O- Surendra Yadav R/O- Village- Sohaipur, P.S.- Muffasail,
Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 19-10-2023 Heard Mr. Priya Ranjan, learned counsel for the

petitioner and Mr. Pawan Kumar Chaurasia, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 780 of 2023, F.I.R. dated 21.07.2023 for the offences punishable under Section 25(9) of Arms Act and Section 9 of the Bihar Control of the Care and Play of Loud Speaker Act, 1955.

3. According to prosecution case, two accused persons have carried arms in the birthday party of the son of the petitioner which was organized by the petitioner and the video of the said party was circulating on social media.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that as per the allegation in the F.I.R, two persons namely, Ravi Kumar and Prakash Kumar have displayed arms in the video which is stated to be the video of birthday party which was organized by the petitioner. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and without the F.S.L of the said video, the present F.I.R has been instituted against the petitioner and the petitioner has no concern at all with the co-accused persons and he has never invited them to attend the birthday party of his son which was organized by him.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on 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 Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 780 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-



i. 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.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage 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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