

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9339 of 2024

Arising Out of PS. Case No.-336 Year-2023 Thana- GHOSI District- Jehanabad

Rahul Kumar S/O LATE RAMPREVESH SAO VILLAGE-
MOSHIMASHRAY, PS. GHOSHI, DIST. JEHANABAD. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Singh, Advocate
Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard Mr. Shailendra Kumar Singh, learned counsel
for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Ghoshi P.S. Case No. 336 of 2023 registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 20.05.2023 by the informant, Kosmi Devi.

3. As per the prosecution story, the informant alleged that his son had gone to attend the Tilak ceremony of Monu Kumar wherein the dance programme, one Priyanshu Kumar opened fire, which hit the stomach of his son, who collapsed and died. He came to know that the said revolver belongs to this petitioner. Accordingly, he has also been made accused.

4. Learned counsel for the petitioner submits that only on suspicion that revolver belongs to him, he has been made accused. It is his categorical submission that the said revolver is not licensee one and for which he cannot be assigned it to be



the owner of the said weapon. He do not have criminal antecedent and he will be diligently appearing in the trial each and every date if he allowed the privilege of anticipatory bail.

5. Learned APP for the State opposes the prayer for anticipatory bail stating that in the FIR, the said revolver belongs to the petitioner.

6. It is unfortunate that despite repeated request, warning, orders of different courts as also law in this regard, the people are still resorting to this pleasure firing in the marriage ceremony which lead to the unfortunate death of an innocent person.

7. So far as this case is concerned, the gun shot injury was inflicted by Priyanshu Kumar, the only allegation against this petitioner is that Priyanshu Kumar got the revolver from him and the same is not being a licensee one, the petitioner deserves relief.

8. 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 Chief Judicial Magistrate, Jehanabad in connection with Ghoshi P.S. Case No.



336 of 2023 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 petitioner 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 his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner 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 his bail bonds;

(v) the petitioner 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)

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