

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39395 of 2024

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

1. Praksh Kumar @ Prakash Kumar S/O Kuleshwar Yadav @ Kauleshwar Prasad Yadav, R/O Village- Sohaipur, P.S.- Muffasil, Dist -Gaya.
2. Ravi Kumar S/O Fagu Yadav, R/O Village- Sohaipur, P.S.- Muffasil, Dist -Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Priya Ranjan, Advocate

For the Opposite Party : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-08-2024 Heard Mr. Priya Ranjan, the learned counsel for the petitioners and Mr. Sunil Kumar Pandey, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Muffasil PS Case No. 780 of 2023, FIR dated 21.07.2023, registered for the offences punishable under Sections 25(9) of Arms Act and under Section 9 of the Bihar Control of the use and play of loud speaker Act.

3. According to the prosecution case, a viral video was circulated on the social media on 21.07.2023, where two persons were brandishing country made pistols and dancing on the DJ. It is further alleged that the informant, upon enquiry,



found that the alleged occurrence is of village Sohepur, Police Station Muffasil, District Gaya and the two persons in the video were recognized as Prakash Kumar and Ravi Kumar.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that the present FIR has been instituted against the petitioners merely on the basis of the viral video, without any scientific / forensic verification of the video.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and mainly the facts that petitioners have clean antecedent and the FIR has been instituted against the petitioners without any scientific / forensic verification, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, where the case is



pending in connection with **Muffasil PS Case No. 780 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper 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 learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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.

(iv) If the petitioners were found to have been indulged in any case of similar nature, the prosecution is at



liberty to move before the appropriate forum for cancellation of
the bail bonds of the petitioners.

(Rajesh Kumar Verma, J)

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