

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54381 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- SUGAULI District- East Champaran

Rahul Kumar Son of Tuna Ram R/o Village- Bhargawa Ward No.10, P.S.-
Sugauli, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Sugauli P.S. Case No. 46 of 2024 dated 31.01.2024, instituted
for the offence punishable under Sections 27 of the Arms Act.

3. The prosecution case, in short, is that informant,
who is officer-in-charge of Sugauli police station saw a video
going viral through social media of a person firing with pistol,
in which two persons were also seen with him. In the above said
viral video, the person who fired with the pistol was said to be
from Bhargaon of Sugauli police station area. Thereafter, Sanha
was registered after informing the senior officers regarding the
said video and for verification regarding the said Sanha, the
informant and other police personnel went at village Bhargaon



and verified about that person whose video went viral as Rahul Kumar (petitioner) and two other persons seen in the video could not be verified.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that said video is an edited video. It is further submitted that nothing has been recovered from possession of the petitioner. No arms has been recovered from the house of the petitioner. It is further stated that petitioner has no concern with the said video. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Sugauli P.S. Case No. 46 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Sadar, Motihari, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the



following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. 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.

(Khatim Reza, J)

Sankalp/-

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