

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59597 of 2024

Arising Out of PS. Case No.-191 Year-2024 Thana- HARNAUT District- Nalanda

Sukesh Kumar, Son of Late Rajniti Singh, Resident of Village – Basti, P.S. -
Harnaut, District – Nalanda. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard Mr. Bijendra Kumar, learned counsel

appearing on behalf of the petitioner and Mr. Dashrath Mehta,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Harnaut P.S. Case No.191 of 2024 registered under
Sections 188, 353 and 322 of the Indian Penal Code and Section
25(9) and 27 of the Arms Act.

3. As per the allegation made in the FIR, upon
receiving a video footage through social media, in connection
with celebration firing on the occasion of marriage of the
daughter of one Satyendra Kumar Singh (named in the FIR) and
niece of the petitioner, the police conducted a raid, four days
after the said incidence. The police arrested the said Satyendra
Kumar Singh alongwith rifle and upon showing the license of
the rifle, he was released.



4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is the own brother of the co-accused Satyendra Kumar Singh, who is a constable in CRPF and the rifle was seized from his possession, which was used for celebration firing, during the marriage ceremony of his daughter. The petitioner, being family member of the said Satyendra Kumar Singh, has falsely been implicated in the present case. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the rifle was seized from the possession of one Satyendra Kumar Singh and the petitioner, being family member of Satyendra Kumar Singh, has falsely been implicated in the present case, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/-



(Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Nalanda at BiharSharif in connection with Harnaut P.S. Case No.191 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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