

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62408 of 2024

Arising Out of PS. Case No.-238 Year-2024 Thana- PUPRI District- Sitamarhi

Rajan Kumar son of Bhuvaneswar Das @ Bhuneshwar Das village-
Ramnagar Bedaul, Ps- Pupri, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Ranjan

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Pupri P.S. Case No. 238 of 2024, registered for the offences punishable under Sections 307 of the Indian Penal Code, Sections 25(1-B)(a), 37, 35 of the Arms Act and 66(A) of the Information Technology Act.

3. The police, on receipt of viral video showing that the petitioner having illegal weapon in his hand waiving it in the air, apprehended the petitioner.

4. Learned Advocate for the petitioner contended that even as per the allegation levelled in the FIR, save and except the allegation that the petitioner was found having a pistol in his



hand waiving in the air, no case muchless under Section 307 of the Indian Penal Code is made out. There is no recovery of arms from the possession of the petitioner. Thus, the penal provision of the Arms Act is not attracted. The police during course of investigation did not bother to verify as to whether the video is manufactured or morph one. There is no compliance of Section 65(B) of the Indian Evidence Act and, as such, the same is not admissible in the eyes of law. Be that as it may, the petitioner bears fair antecedent and now he has been incarcerated since 08.06.2024.

5. On the other hand, learned APP for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based upon viral video but the genuiness of which has not been verified till date, coupled with the fair antecedent, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Pupri P.S. Case No. 238 of 2024, subject to the condition that one of the bailors shall be the own/close family members of



the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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