

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49957 of 2015

Arising Out of PS.Case No. -54 Year- 2015 Thana -MANSAHI District- KATIHAR

=====

1. Suraj Sah @ Suraj Kumar Sah Son of Late Jai Prakash Sah R/o Village
Hariganj Chowk, Katihar, P.S. Katihar Town, District Katihar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Sangita Sharma (App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 14-12-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Mansahi P.S.
Case No. 54 of 2015 registered for the offences punishable under
Sections 399, 402 of the Indian Penal Code and Sections 25(1-
B)a, 26/35 of the Arms Act.

Allegedly, acting on a tip off, the raid was conducted
and after seeing the Police personnel the miscreants after leaving
their motorcycles started fleeing away but after chase the
petitioner and co-accused Md. Islam were caught and they
disclosed the name of other co-accused and on search from
possession of the petitioner two live cartridges were recovered
whereas from possession of Md. Islam one loaded country made
pistol was recovered.

Submission is of false implication and that no cartridges were recovered and the petitioner has been made victim of circumstances. The cartridges without firearm are useless. The petitioner is suffering in custody since 15.07.2015, chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

Learned APP opposes the prayer of bail.

In the facts and circumstances stated above, considering the alleged recovery of two cartridges and the period of detention, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri B. B. Rai, J. M. Ist Class, Katihar in connection with Mansahi P.S. Case No. 54 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

avin/-

U		T	
---	--	---	--