

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39422 of 2018

Arising Out of PS. Case No.-258 Year-2018 Thana- DANAPUR District- Patna

Surjit Rai @ Surjit Kumar, Son of Virendra Rai, R/o Takiyapar Main Road,
P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. Chaubey Jawahar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 06-09-2018 Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner is languishing in judicial custody since
04.05.2018 in connection with Danapur P.S. Case No. 258/2018
for offences punishable under Sections 25(1-B) a, 26, 35 of the
Arms Act.

The prosecution case, as lodged by the informant, is
that during patrolling they apprehended two persons including
the petitioner and on search the petitioner was found in
possession of one loaded country-made pistol and one live
cartridge. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case. He submits that no
overt act has been alleged to have been committed, charge-sheet



has already been submitted and there is no allegation of tampering of the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Danapur in connection with Danapur P.S. Case No. 258/2018, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/Pragya

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