

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2953 of 2020

Arising Out of PS. Case No.-708 Year-2019 Thana- SAHARSA District- Saharsa

Suraj Sharma @ Suraj Kumar Das @ Suraj Kumar @ Suraj Tanti, Son of
Sitaram Sharma @ Sitaram Tanti Resident of Village - Safabad Bariyahi, P.S.-
Bangaon, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 20-03-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks regular bail in connection with Saharsa
Sadar P.S. Case No. 708 of 2019, registered for the offence
punishable under Sections 399, 401, 414 of the Indian Penal Code
and Section 25(1-B)a, 26, 35 of the Arms Act.

The prosecution story in brief is that the police on secret
information that some miscreants have assembled near Rahua Mani
Mohalla and were preparing for committing dacoity proceeded
towards the place of occurrence and upon seeing the police party, 6-7
persons standing there started to flee away, however, the police
arrested five accused persons including one Pramod Kumar Das,
from whose possession, loaded country-made pistol has been
recovered and the name of the petitioner has come on the basis of
confessional statement made by apprehended co-accused, Pramod



Kumar Das.

Mr. Pramod Mishra learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of confessional statement made by co-accused. Learned counsel further submits that no incriminating material has been recovered from the conscious possession of the petitioner though the petitioner has criminal antecedent and eight cases are pending against him but in all those cases, the petitioner has been granted bail by the competent Court. Learned counsel further submits that except confessional statement of the co-accused person, there is no material against the petitioner to connect him with the present offence and the co-accused, Pramod Kumar Das, on whose confessional statement, name of the petitioner has transpired has been granted bail by this Court vide order dated 29.01.2020 passed in Cr. Misc. No.4127 of 2020. Learned counsel further submits that the petitioner is in custody since 16.09.2019.

After having heard learned counsel for the parties and taking into consideration the fact that no incriminating material has been recovered from the conscious possession of the petitioner and the co-accused person, on whose statement, the name of the petitioner has appeared in the present case has been granted bail by this Court and the petitioner is in custody since 16.09.2019, I am



inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 708 of 2019, with following conditions :-

(1) one of the bailors should be local people having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anil Kumar Sinha, J)

sanjeev/-

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

