

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18417 of 2021**

Arising Out of PS. Case No.-108 Year-2020 Thana- PIRBAHOR District- Patna

SURAJ KUMAR @ SURAJ SAO, Son of Gulab Sah, Resident of Village-  
Shivpur, Tekiya Toli, P.S.- Sultanganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Jay Ram Prasad, Adocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      25-10-2021                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in a case registered for the  
offence punishable under Sections 25(1-b)a /26/ 35 of the Arms  
Act.

Prosecution case, in brief is that during investigation  
of Pirbahore P.S. Case No. 103/2020 in the course of  
interrogation accused Suraj Kumar (petitioner) disclosed that on  
17.02.2020 he alongwith his friends committed murder of  
Birendra Kumar Akela and after committing the alleged offence  
they have thrown the alleged weapon in the drain. The  
informant took Suraj Sao and other accused to the drain where  
the alleged weapon was thrown and recovered it from the drain.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He submits that the petitioner is named in the FIR and during the investigation of Pirbahore P.S. Case No. 103/2020 dated 17.02.2020 under Sections 302/120B/34 of I.P.C. and 27 of the Arms Act.

Learned counsel for the petitioner submits that the police recorded the confessional statement of this petitioner and the petitioner confessed that he alongwith his friends murdered and the weapon used in that offence has been thrown away by this petitioner in a drain keeping it into a plastic bag. On the basis of the confessional statement made by the petitioner one country made pistol has been recovered kept into a plastic bag from the drain at Chain Tola. Therefore, present case lodged against the petitioner in the Arms Act. The petitioner is languishing in judicial custody since 03.03.2020. The petitioner has got 03 criminal antecedents, which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two



sureties of the like amount each in connection with Pirbahor P.S. Case No. 108/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.



(5) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

**(Anjani Kumar Sharan, J)**

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