

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31353 of 2021

Arising Out of PS. Case No.-227 Year-2020 Thana- SURYAGARHA District- Lakhisarai

SAURAV KUMAR Son of Wakil Paswan Resident of Village-
Lakshmipurgarh, P.S.- Muffasil, District- Munger.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kumar, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

26-11-2021

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Suryagarha P.S. Case No. 227 of 2020 registered for the offences punishable under Section 401 of the I.P.C. and Sections 25(1-b)A, 26, 35 of the Arms Act.

According to prosecution case, the informant along with other police officials during investigation in Suryagarha P.S. Case No. 225 of 2020 proceeded for recovery of firearms on the basis of confessional statement of co-accused Amarjit Kumar and Bhupendra Singh and recovered five country made pistol and ten live cartridges. The apprehended accused persons



disclosed the name of the petitioner and other accused as member of their gang.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Learned counsel further submits that on the basis of confessional statement of co-accused Amarjit Kumar and Bhupendra Singh, petitioner has been made accused in the present case. Learned counsel further submits that on the basis of confessional statement of co-accused Amarjit Kumar and Bhupendra Singh, five country made pistol and 10 cartridges have been recovered from the place of occurrence and nothing has been recovered from possession of the petitioner. Petitioner is in custody since 05.01.2021. Petitioner carries one criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Suryagarha P.S. Case No. 227 of



2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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