

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31038 of 2021**

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

FANTUSH KUMAR @ FULTUS KUMAR Son of Hare Ram Mandal @
Bhonu Mandal Resident of Village- Ramdiri, Sita Kund, P.S.- Muffasil,
District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 13-12-2021 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Suryagarha PS case no. 227 of 2020 instituted for the offences
punishable under Sections 401 of Indian Penal Code and 25(1-B)A,
26, 35 of Arms Act.

The allegation is regarding two accused persons
having been arrested by the police and upon interrogation, they had
disclosed that arms had been hidden beneath a bush, whereafter 05
countrymade pistols and 10 live cartridges were recovered by the
police. The said arrested co-accused persons are stated to have named
the petitioner as one of their accomplice.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the



present case and is languishing in custody since 05.01.2021. It is further submitted that no arms have been recovered from the petitioner and similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 26.11.2021, passed in Cr. Misc. no. 31353 of 2021.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no arms have been recovered from the petitioner and similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of C.J.M. Lakhisarai in connection with Suryagarha PS case no. 227 of 2020.

(Mohit Kumar Shah, J)

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