

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13890 of 2022

Arising Out of PS. Case No.-232 Year-2021 Thana- GURUA District- Gaya

SIYARAM KUMAR SON OF CHHEDI PASWAN R/O VILLAGE-
BHALUA, P.S.- BODH GAYA, DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr.Kalyan Shankar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Gurua P.S. Case No. 232 of 2021, for the offence punishable
under Sections 399 and 402 of the Indian Penal Code and
Section 25(1-b)a, 26 and 35 of the Arms Act.

As per the allegation made in the F.I.R. on receiving
secret information that some miscreants have assembled to
commit crime, a raid was conducted and several accused
persons, including the petitioner, were apprehended and upon
search, so far as petitioner is concerned, one double SIM mobile
of Tecno company was recovered from the possession of the
petitioner.



Learned counsel appearing on behalf of the petitioner submits that the only allegation against the petitioner is that he was present at the place of occurrence at odd in the night, no incriminating material has been recovered from his possession. The alleged mobile, which has been recovered from his possession, belongs to the petitioner and the same is not stolen one. He further submits that no case under Sections 399, 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act is made out against the petitioner. The petitioner has clean antecedent and he is in custody since 28.10.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made against the petitioner, prima facie, it appears that no case under Section 399, 402 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act is made out against the petitioner, it is specific submission of the petitioner that mobile phone, which has been recovered from the possession of the petitioner, belongs to the petitioner and the same is not stolen one. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of



the learned Sri S.K. Singh, Judicial Magistrate, 1st Sherghati in connection with Curua P.S. Case No. 232 of 2021, subject to the following conditions:-

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

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

manish/-

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

