

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24105 of 2021**

Arising Out of PS. Case No.-465 Year-2020 Thana- LAKHISARAI District- Lakhisarai

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Suman Ranjan @ Baua Son of Late Sheo Nandan Singh Resident of Village-
Piparia, P.S.- Piparia, District- Lakhisarai. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Mukesh Kumar, Advocate

For the Opposite Party : Mr. Jai Narain Thakur, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 09-02-2022 Heard the parties through video conferencing.

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, who is in custody since 05.10.2020,
seeks regular bail in connection with Lakhisarai(Kabaiya) P.S.
Case No. 465/2020, for the offence punishable under Sections
400, 120(B) and 109 of the Indian Penal Code and Section 25(1-
b)A, 26(2), 35 of the Arms Act.

The prosecution case, in brief, is that on receiving a
secret information, the informant and other police personnel
stopped the scorio and on seeing the police personnel, accused
persons alongwith petitioner tried to flee away but accused
were apprehended. One loaded pistol with total nine live
cartridges were found from possession of the petitioner.

Accordingly, seizure list was prepared and case was lodged against altogether 11 (eleven) accused named with F.I.R.

Learned counsel appearing on behalf of the petitioner submits that he is not member of the gang rather he is innocent. Nothing has been recovered from his physical possession. The alleged arms were recovered from the *jhola* kept in the scorio. Chargesheet has already been submitted and as such the possibility of tampering with the evidence is also not there. The petitioner may be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that the case has been committed and there is chance that the trial will be concluded soon. He further submits that taken into consideration the fact that the petitioner is a history sheeter and as per statement made in para no.3 he is named accused in several cases for the similar allegation.

Considering the aforementioned facts and circumstances of the case and the fact there is no allegation of tampering evidence. Petitioner has made specific statement in para no.9 that the pistol and live cartridges were recovered from the *jhola* kept in the scorio. Chargesheet has already been submitted. There is no allegation of tampering the evidence or

influencing the witness and petitioner is in custody since 05.10.2020. The trial of the petitioner is not likely to be completed in near future due to pandemic of Covid-19, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rs. Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 465/2020, 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.

(Purnendu Singh, J)

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