

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23467 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- SURYAGARHA District- Lakhisarai

Mukesh Gawala Son of Sharma Gawala Resident of Village - Phata Pakur,
P.S.- Raj Ganj, Distt.- Jalpaiguri (W.B.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate.

For the Opposite Party/s : Mr. Zainul Abedin, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Bachan Jee Ojha, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Suryagarha P. S. Case No. 161 of 2021 registered for the offences punishable under Sections 414, 467, 438, 471, 420 of the Indian Penal Code and Section (1-b) 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that while the Police party was on patrolling duty, they apprehended two



persons, who were riding on a motorcycle. It is further alleged that on search, one loaded country-made pistol and one cartridge apart from other materials have been recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, the said vehicle was being driven by co-accused Ramnath Yadav and this petitioner was pillion rider and no recovery has been made from his person or possession but in course of vehicle checking some altercation has taken place between the police party and the accused persons, which resulted into lodging of the present F.I.R. It is further submitted that this petitioner is in custody since 26.07.2021, having a man of fair antecedent. It is also submitted that so far the motorcycle is concerned, the same does not belong to the petitioner and only he being acquainted with the co-accused, had taken lift and in the meantime, he was apprehended by the police.

On the other hand, learned APP for the State opposes the bail application and submits that arms and ammunition have been recovered from the possession of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account the period of custody and



fair antecedent of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Suryagarha P. S. Case No. 161 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

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(Harish Kumar, J)

