

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41597 of 2022

Arising Out of PS. Case No.-124 Year-2022 Thana- BALIYA District- Begusarai

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Suraj Kumar @ Suraj Kumar Jha Son of Shambhu Jha @ Sambhu Jha
Resident of Village - Lakhminia, Babaji Tola, Ward No. 24, P.S. Ballia,
District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner seeks regular bail in connection with Ballia
P.S. Case No. 124 of 2022 registered for the offences punishable
under Section 120 (B) of the Indian Penal Code and under
Sections 25 (1-b)a, 26 of the Arms Act.

As per the prosecution, the informant has alleged that

while the informant along with other police personnel were on

their regular patrolling duty, received a secret information,

acting upon which the police party recovered one country made pistol from the house of one Dharmendra Jha, and upon inquiring, Subhnandan Kumar, Son of Dharmendra Jha disclosed that he had seen this petitioner hiding something in the Straw (Bhusa). Later on the police personnel apprehended this petitioner (Suraj Kumar) and upon asking, he accepted the allegation made by Subhnandan Kumar and disclosed that he wanted to implicate Dharmendra Jha in a false case.

The main submissions advanced by learned counsel Mr. Sandip Kumar Gautam appearing for the petitioner are that the alleged fire-arm was recovered from the residence of Dharmendra Jha and the said fire-arm was alleged to have been concealed under the Straw (Bhusha) by the petitioner and after the recovery of the said fire-arm the son of Dharmendra Jha disclosed that he had seen the petitioner concealing the said fire-arm at the alleged place and thereafter the police raided the petitioner's house and then on seeing the police party the petitioner made an attempt to flee but he was apprehended, but the allegations as well as prosecution story mentioned in the FIR is completely unbelievable and firstly, the alleged fire-arm was not recovered from the possession of the petitioner and secondly, the disclosure made by the son of Dharmendra Jha is

completely unbelievable as there was no good relation between the petitioner and the family of Dharmendra Jha and in this regard facts have been mentioned in the paragraph 8 of the petition.

Learned APP Mr. Anant Kumar 1, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR. The alleged fire-arm is stated to have been recovered from the residence (Dera) of Dharmendra Jha and Subhnandan Kumar, son of Dharmendra Jha disclosed the name of this petitioner as being involved in concealing the alleged fire-arm but the petitioner has taken the defence that prior to the institution of the instant case, Ballia P.S. Case No. 23 of 2022 had been lodged by the petitioner against the said Dharmendra Jha and others and owing to that enmity the said Subhnandan Kumar falsely revealed the name of this petitioner with revengeful attitude. Considering these facts, custody period of the petitioner, in the opinion of this Court petitioner deserves to a lenient approach of this Court, let the petitioner 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 Chief Judicial Magistrate, Begusarai, in connection with Ballia

P.S. Case No. 124 of 2022.

(Shailendra Singh, J.)

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