

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42739 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- RAJNAGAR District- Madhubani

SURENDRA SAH S/o Jagdev Sah R/o village- Baliya, P.S.- Benipatti,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Rajnagar P.S. Case No. 359 of 2021 registered for the offences
punishable under Sections 399, 402 of the Indian Penal Code
and Sections 25(1-b) a/26/35 of the Arms Act.

As per prosecution case, there is alleged recovery
of one loaded country made pistol and one mobile from the
possession of petitioner.

Learned counsel for the petitioner submits that
petitioner is in custody since 24.12.2021. Petitioner bears
criminal antecedent of 7 cases including the present case.



Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that petitioner has no criminal antecedent prior to 2021. Petitioner is innocent and has committed no offence as alleged in the FIR and he has been falsely implicated in this case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Ist, Madhubani District Madhubani in connection with Rajnagar P.S. Case No. 359 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

alok/-

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

