

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54864 of 2021

Arising Out of PS. Case No.-114 Year-2021 Thana- NOORSARAI District- Nalanda

Shankar Kumar @ Surya S/o Ramashish Prasad R/o Village- Muraua, P.S.-
Bihar, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aprajita
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-03-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Noorsarai P.S.Case No. 114 of 2021 for the offences
punishable under Section 399 and 402 of the Indian Penal Code
and section 2591-b) a,26, 35 of the Arms Act.

As per prosecution case, patrolling party got secret
information that some miscreants assembled with weapons and
planning to commit dacoity but seeing the police party, they
tried to fled away. Three persons were apprehended and two
persons on a motorcycle succeeded to flew away.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in this case. One live cartridge, one mobile phone and one motorcycle without number plate has been recovered from possession of this petitioner. Petitioner has got clean antecedent which is mentioned in Paragraph-3 of the petition. Further submits that motorcycle does not belongs to the petitioner nor the same was looted property. Petitioner is in jail custody since 04.04.2021. Charge sheet has already been submitted and the investigation has already been completed.

The learned A.P.P opposed the prayer for bail of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is in custody since 04.04.2021 and recovered motorcycle was not the looted property, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/0- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Nalanda in connection with Noorsarai P.S.Case No. 114 of 2021, on the following conditions:-

“(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court



below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(ii) 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”

(Harish Kumar, J)

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