

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70955 of 2021

Arising Out of PS. Case No.-337 Year-2021 Thana- DESARI District- Vaishali

Suraj Kumar @ Saroj Kumar @ Bulung, S/O Harendra Prasad Singh R/O
Village- Khoksa Kalyan, P.S.- Desri, District- Vaishali

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
25(1-B)a and 26 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner has antecedent of one case and the informant alleges
that he received secret information on 09.09.2021 at 2.00 P.M.
that petitioner had kept intoxicating substance and illegal
weapon in his Dalan. Accordingly, after informing his superior,
a raid was conducted, but on seeing the police, the petitioner
fled from his Dalan and managed to escape. It is next alleged
that on search, a country-made pistol along with a live cartridge
was found wrapped in a red cloth. It is further alleged that the



petitioner is the main accused in Desri P. S. Case No.250 of 2019 registered under Section 30(a) of the Excise Act.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is next submitted that nothing was recovered from the possession of the petitioner. It is next submitted that since the petitioner was implicated in a case relating to Excise Act, as such, a separate case under the Arms Act also came to be instituted. It is further submitted that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail, then Dalan is a place outside the house and as such, it cannot be alleged that it was the petitioner, who had kept the arms in his Dalan.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where



the case is pending in connection with Desri P. S. Case No.337 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, if the petitioner after his release shall cooperate in the investigation and trial and in the event, if the police files an application before the learned trial Court that after obtaining the bail, the petitioner is not cooperating in the investigation, then the learned trial Court will be at liberty to cancel his bail bonds after recording reasons and being satisfied that the petitioner is hampering the investigation.

(Satyavrat Verma, J)

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