

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3341 of 2023

Arising Out of PS. Case No.-605 Year-2020 Thana- SONEPUR District- Saran

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SURAJ KUMAR @ SURAJ MAHTO Son of Late Diwali Mahto R/V-
Anandpur, Ps- Sonepur in the district of Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Braj Nandan Kumar Tiwary, Advocate

For the Opposite Party : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Braj Nandan Kumar Tiwary, learned
counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Sonepur P.S. Case No. 605 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the informant got an information that some unknown persons shot at his son near the temple. Upon reaching there, he was informed that the injured has been shifted to Sadar Hospital, Chapra, however, during the course of treatment the son of the informant succumbed to the injuries.

Submission has been made on behalf of the learned counsel for the petitioner that the F.I.R. has been instituted against unknown persons and subsequently during the course of



investigation the name of the petitioner surfaced on the confessional statement of co-accused Akash Kumar @ Akash Rai. He further submits that the other co-accused persons, having similar allegation, whose names have also been transpired in the confessional statement of co-accused Akash Kumar @ Akash Rai, have been allowed the privilege of bail by the learned coordinate Benches of this Court in Cr. Misc. No. 15410 of 2021, Cr. Misc. No. 71718 of 2021 and Cr. Misc. No. 27437 of 2022 vide orders dated 23.07.2021, 27.07.2022 and 03.08.2022 respectively. The petitioner is in custody since 02.09.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is carrying three criminal antecedent over his head and his name has been transpired during the course of investigation.

Regard being had to the submissions made on behalf of the parties and considering the fact that the co-accused persons, having same allegation, have been allowed the privilege of bail, coupled with the fact that the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Saran at Chapra in connection with Sonepur P.S. Case No. 605 of 2020, subject to the condition that one of the bailors will be the close relatives 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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