

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10703 of 2023

Arising Out of PS. Case No.-414 Year-2022 Thana- SASARAM NAGAR District- Rohtas

SURESH CHAURASIYA S/O LATE ASHOK CHAURASIYA R/o mohalla-
Lakhanu Sarai, P.S.- Sasaram, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uma Shankar Singh, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sasaram
NAGAR (Town) P.S. Case No. 414 of 2022 dated 22.05.2022
registered for the offence under Sections 458, 382, 324, 307/34
of the Indian Penal Code and Section 27 of the Arms Act.

While the petitioner and his associates were
committing theft in the house of the informant and when the
informant entered in the house petitioner and his two
companions started firing due to which his brother sustained gun
shot injury. It alleged that Rs. 25000/- has been stolen from the
house of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in



this case. He further submits that according to the F.I.R. the petitioner and others have committed theft in the house of the informant and they have fired upon the informant and his brother causing him gun shot injury. He further submits that it is not clear from the F.I.R. as to who has fired upon the victim. He further submits that though there is allegation in the F.I.R. that one country made pistol and three live cartridges have been recovered from the possession of the petitioner but no seizure list is prepared with respect to the recovery as alleged in the F.I.R. He further submits that though the petitioner is said to have been arrested from the spot and recovery is alleged to have been made from his possession but he was not arrested in this case rather he has been remanded in this case from Sasaram Town P.S. Case No. 415 of 2022 in which his confessional statement has been recorded before the police on 01.07.2022. The petitioner is rotting in judicial custody since 03.08.2022

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries nine more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned Additional District and Sessions Judge-V, Rohtas at Sasaram in connection with



Sasaram (T) P.S. Case No. 414 of 2022/ S.T. No. 609 of 2022 with
the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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