

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15668 of 2023

Arising Out of PS. Case No.-47 Year-2022 Thana- GANGTA District- Munger

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SURAJ KUMAR S/o Tun Tun Mahton Resident of Village/Muhalla-Ram
Nagar Near Mankatha Railway Station, P.S.-Amhara, District-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Gangta P.S.
Case No. 47 of 2022 dated 21.03.2022 registered for the offence
under Sections 394 and 411 of the Indian Penal Code and
Sections 25(1-b)a, 26(i)(ii) and 35 of the Arms Act.

The petitioner is apprehended by the police and on
search two looted mobile phones have been recovered from his
conscious possession. The petitioner along with others are
alleged to have committed loot of motorcycle and cash 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 it appears from the F.I.R. that



nothing incriminating has been recovered from the possession of the petitioner rather the alleged recovery of one loaded country made pistol and two live cartridges has been made from the co-accused, Praveen Kumar and two more cartridges have been recovered from the co-accused, Bittu Kumar. He further submits that since no arms as alleged in the F.I.R. have been recovered from the possession of the petitioner, no case attracting section of Arms Act is made out against the petitioner. He further submits that there is non compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.03.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case 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 J.M.-1st Class, Munger in connection with Gangta P.S. Case No. 47 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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