

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.19319 of 2023**

Arising Out of PS. Case No.-438 Year-2022 Thana- MALSALAMI District- Patna

SURAJ KUMAR SON OF - JAMUN SAHNI @ JAMUN SAHANI  
RESIDENT OF VILLAGE- SATICHAURA SABALPUR, PS- NADI,  
DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nityanand Kumar, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

4      03-08-2023                      1. Heard learned counsel for the petitioner, learned  
counsel for the informant and learned Additional Public  
Prosecutor for the State.

2. Petitioner, who is in custody since 19.09.2022 seeks  
bail, in connection with Malsalami P.S. Case No.438/2022,  
dated 10.08.2022, for the offences punishable under Sections  
147, 148, 149, 341, 302 of the IPC but later on Sections 396,  
412 and 427 of the IPC were also added.

3. According to prosecution case, the informant heard  
some noise and reached near his brother-in-law, namely,  
Manoranjan Kumar and found him in injured condition, on  
enquiry, Manoranjan Kumar said that he was on duty, in the  
meantime 10-12 persons entered into the showroom for  
committing crime and when he objected, they assaulted him.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner and except the self confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.09.2022.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand have vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner has been identified from C.C.T.V. footage. Apart from that the petitioner has carried three criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 Sri Ashutosh Abhimanyu, J.M.1st Class, Patna City, Patna in connection with Malsalami P.S. Case No.438/2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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