

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26171 of 2023

Arising Out of PS. Case No.-41 Year-2023 Thana- ARIYARI District- Sheikhpura

SURYA RANJAN KUMAR @ CHHOTU KUMAR SON OF SHASHI
BHUSHAN SINGH RESIDENT OF VILLAGE - BARSA, P.S. - ARIYARI
(KASAR O.P.), DISTT. - SHEIKHPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Bilochan

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Ariyari
(Kasar O.P.) P.S. Case No. 41 of 2023 registered for the offences
punishable under Sections 25(1-b), (a) of the Arms Act and
Section 37 of Bihar Prohibition and Excise (Amendment) Act
2018.

As per prosecution case, petitioner is apprehended
on the spot with one country made pistol from his possession
and he was found in drunken condition.

Learned counsel for the petitioner submits that
petitioner is in custody since 05.02.2023 and bears criminal
antecedent of one case which is not similar to the present case



and the petitioner is on bail in the said case. He further submits that petitioner is innocent and has committed no offence as alleged against him in FIR and he has falsely been implicated in the present case. Nothing has been recovered from the possession of the petitioner. He further submits that not even a single independent witness has signed upon the seizure list, which creates doubt and falsifies the whole prosecution case. He further submits that according to FIR, during patrolling duty police team intercepted the petitioner who was coming on motorcycle in drunken condition and police has purposely made false case of alleged recovery of pistol against the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Sheikhpura in connection with Ariyari (Kasar O.P.) P.S. Case No. 41 of 2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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