

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27785 of 2023

Arising Out of PS. Case No.-224 Year-2022 Thana- DARAUNDA District- Siwan

Suraj Prasad S/O Surendra Prasad Resident of Village- Rampur Mahesh, P.S.-
Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP
For the Informant	:	Mr. Uday Pratap Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-08-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
24.08.2022 in connection with S.T No. 773 of 2022 arising out
of Daraunda P.S. Case No. 224 of 2022, F.I.R. dated 22.08.2022
for the offences punishable under Sections 302, 120B/34 of the
Indian Penal Code and Section 27 of the Arms Act.

4. According to prosecution case, this petitioner along
with other accused persons have shot the brother of the



informant resulting into his death.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the informant is not the eye witness of the alleged occurrence and even no one has seen the occurrence and merely on the basis of suspicion the petitioner was arrested and his confessional statement was recorded in which he has categorically stated that the co-accused, namely, Rahul Kumar has fired upon the victim and this petitioner has called the victim. He further submits that except the confessional statement of the petitioner, no other 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. The petitioner is in custody since 24.08.2022.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that due to previous dispute the petitioner has called the



victim and co-accused, namely, Rahul Kumar has fired upon the victim and this petitioner has confessed his guilt in the confessional statement which was recorded in paragraph no. 69 of the case diary. Apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the said case.

7. Considering the aforesaid facts and circumstances, 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 the learned 2nd Additional Sessions Judge, Siwan in connection with S.T No. 773 of 2022 arising out of Daraunda P.S. Case No. 224 of 2022, subject to the following conditions:-

i. 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.

ii. 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.



iii. 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)

Vanisha/-

U		T	
---	--	---	--

