

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28558 of 2023

Arising Out of PS. Case No.-626 Year-2022 Thana- RAHUI District- Nalanda

SAURYA RAJ @ FANTUSH Son of Sarju Sharma Resident of village -
Bangalibigha, P.S.- Chandauti, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anand Kishore Choudhary, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 Heard learned counsel appearing for the petitioner
and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
28.11.2022 in connection with Rahui P.S. Case No. 626 of
2022, F.I.R. dated 27.11.2022 registered for the offence
punishable under Sections 406,420,182,211,120(B) and 34
IPC.

3. On search, one Samsung mobile phone and Rs.
20,000/- was recovered from possession of the petitioner. Co-
accused Viraj Kumar called the petitioner and co-accused
Vikash Kumar and gave the bag in which Rs.1,40,000/- was
kept and his mobile phone to petitioner and Vikash Kumar
and told them to go to Gaya.

4. Learned counsel appearing for the petitioner



submits that the petitioner has falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and altogether Rs.1,60,000/- has been recovered from possession/house of the petitioner. Learned counsel for the petitioner submits that the amount in question has been given to the petitioner by one co-accused Viraj Kumar and the petitioner has no concern at all with the present occurrence and the petitioner is in custody since 28.11.2022.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that during investigation the amount in question has been recovered from possession of the petitioner and the petitioner carries one more case other than the present one.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail **after framing of the charges** on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st A.C.J.M., Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 626 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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