

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30058 of 2023

Arising Out of PS. Case No.-268 Year-2019 Thana- SARAI District- Vaishali

SURAJ KUMAR @ SURAJ KUMAR RAI S/O RAJA PRASAD @ RAJA
RAI R/O Village- Dighi Kala West, P.S- Hajipur Sadar in the District of
Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar

For the Opposite Party/s : Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sarai
P.S. Case No. 268 of 2019 registered for the offences punishable
under Sections 399, 402,414, 34 of the Indian Penal Code and
Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, on 21.07.2019 the
informant got confidential information that miscreants who
were involved in the crime of 19.07.2019 relating to murder
case are going to assembled again near kiln of Raju Sahni to
commit crime. When the police team reached there, six persons
who were planning to commit crime tried to flee away but with
the help of police force four persons were apprehended.



Apprehended accused persons disclosed the name of petitioner and other who fled away from the place of occurrence. It is further alleged that from possession of co-accused Ranjit Kumar one country made pistol, two live cartridges and two notes of hundred rupees were recovered. It is further alleged that one mobile was recovered from possession of co-accused Abhishek Rai @ Gojha. It is further alleged that one country made pistol and two live cartridges were recovered from possession of co-accused Biru @ Biru Bhagat. It is further alleged that from possession of co-accused Dipak @ Amar Kumar one note of five hundred rupees was recovered. It is further alleged that two motorcycles were also recovered from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence and he has falsely been implicated in this case due to previous enmity. Petitioner is not apprehended on the spot and nothing has been recovered from his possession. He further submits that petitioner himself surrendered before the court on 20.04.2020 and he was remanded in the present case on 22.11.2022 and since then he is in custody. Petitioner bears criminal antecedent of ten cases. There is nothing on record to connect the present petitioner with the alleged occurrence. Charge sheet has been



submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, petitioner is not apprehended on the spot, no incriminating article has been recovered from his possession, 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 **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XVI, Vaishali at Hajipur in connection with Sarai P.S. Case No. 268 of 2019, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case.

(Alok Kumar Pandey, J)

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