

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29383 of 2023

Arising Out of PS. Case No.-182 Year-2022 Thana- PASRAHA District- Khagaria

SURAJ KUMAR RAJAK Son of Shankar Rajak Resident of village -
Gaushala Road, Dominiya Chowk, P.S. - Khagaria (Chitragupt Nagar), Distt.
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 08-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Pasraha
P.S. Case No. 182 of 2022 registered for the offence under Sections
25(1-b)a, 26(i) and 35 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 02.10.2022.

4. The allegation against this petitioner is to have in
possession of one country-made pistol.

5. Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of firearm not appears to be made
from conscious physical possession of this petitioner. It is also
submitted that seizure list of alleged recovered firearm appears
doubtful being not supported by independent witnesses, rather by



police personnels. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as seizure list not supported by independent witnesses, rather by police personnels coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 02.10.2022, accordingly, above named petitioner is directed to be released on bail in connection with Pasraha P.S. Case No. 182 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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