

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41239 of 2022

Arising Out of PS. Case No.-386 Year-2019 Thana- BAKHTIYARPUR District- Patna

Suraj Kumar Verma @ Vicky Kumar Verma, Son of Ramesh Prasad @
Ramesh Prasad Verma, Resident of Village- Haqeeqatpur, P.S.- Bakhtiyarpur,
District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case has renewed his prayer for regular bail in connection with Special Case No. 177 of 2019 arising out of Bakhtiyarpur P.S. Case No. 386 of 2019 registered for the offences under Sections 25(1-b)a, 26, 35 of the Arms Act, Section 412 of the Indian Penal Code and Section 8/20 of the Narcotic Drugs and Psychotropic Substances Act.

Learned counsel for the petitioner submits that earlier the prayer for bail filed on behalf of the petitioner was permitted to be withdrawn vide order dated 25.04.2022 in Cr. Misc. No. 56844 of 2021 for the reason that the petitioner had not furnished complete criminal antecedent.

Learned counsel submits that as per the prosecution



story, this petitioner was found present in the room of Kundan Kumar which was raided and 2Kg 100 gms of ganja was recovered. It is submitted that similarly situated co-accused Kanhaiya Kumar and Kundan Kumar have been granted bail by this Court in Cr. Misc. No. 16126 of 2021 and Cr. Misc. No. 62559 of 2021. The petitioner is in custody since 23.12.2019 in connection with this case and till date charge has not been framed. It is further submitted that the petitioner has got six criminal antecedents but in all the cases he is on bail.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances wherein the petitioner has remained in judicial custody for more than 3 years, the co-accused similarly situated have already been granted bail and in case of the petitioner even charge has not been framed as informed to this Court, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XVIII, Patna in connection with Special Case No. 177 of 2019 arising out of Bakhtiyarpur P.S. Case No. 386 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.



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 steps 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.

This application is allowed.

(Rajeev Ranjan Prasad, J)

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