

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56404 of 2023

Arising Out of PS. Case No.-260 Year-2023 Thana- BIHPUR District- Bhagalpur

Suraj Kumar @ Suraj Kumar Das Son Of Raj Kumar Das Village- Chakrami
PS- Bhawanipur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Bihpur (Bhawanipur) P.S. Case No.260 of 2023 for the offences punishable under Sections 25(1-B)a/26/35 of the Arms Act lodged on 02.05.2023 by the informant, Mukesh Kumar Singh.

3. As per the prosecution story, the allegation is that a motor was intercepted, Aman Kumar and Ankit Kumar apprehended and there was recovery of country-made pistol, live cartridges. Further on their confession the house of the petitioner was raided and country-made pistol and live cartridges recovered/seized which follows the FIR.

4. It is the case of the petitioner that there is no recovery from his conscious possession rather recovery has been



made from the joint house, for which he has already suffered jail custody since 02.05.2023 (paragraph-10 of the petition).

5. Learned APP opposes the prayer stating that there is recovery of fire-arm from the house of the petitioner.

6. Considering the aforesaid submissions put forward by the learned counsel for the petitioner nothing has been recovered from the possession of the petitioner, he did not have criminal antecedent and he has been in custody since 02.05.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Naugachia, Bhagalpur, in connection with Bihpur (Bhawanipur) P.S. Case No. 260 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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