

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61789 of 2023

Arising Out of PS. Case No.-907 Year-2022 Thana- TURKAULIYA District- East
Champaran

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SANTOSH JAISWAL @ SANTOSH KUMAR Son of Jagarnath Prasad R/o
vill - Chapwa, P.S. - Sugauli, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
17.09.2022 in connection with Turkauliya (Banjariya) P.S. Case
No. 907 of 2022, F.I.R. dated 17.09.2022 for the offences
punishable under Sections 399 and 402 of the Indian Penal Code
and 25 (1-b), a, 26, 35 of the Arms Act.

3. According to prosecution case, the informant S.I.
Sandeep Kumar received an information that a group of robbers
holding different weapons were getting together for the purpose of
committing the occurrence at Kharwa Pul and after the
apprehension of the accused persons a glamour motorcycle
without registration number, loaded desi katta and live cartridge
have been recovered.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of the disclosure made by the co-accused persons namely Raushan Kumar, Surendra Ram and Subodh Kumar and it appears from the seizure list that arms have been recovered from the co-accused person namely Surendra Ram and petitioner was not apprehended at the place of occurrence and he was fled away from the place of occurrence and no incriminating article has been recovered from the conscious possession or the house of the petitioner and the petitioner is in judicial custody since 12.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one but he fairly submits on the basis of paragraph 3 of the bail petition that out of four cases, petitioner is on bail in two cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No. 907 of 2022, subject to the



following conditions:-

1. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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)

Adnan/-

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