

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69085 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- BAKHTIYARPUR District- Patna

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SURAJ KUMAR S/O SANJAY PASWAN @ JWALA PASWAN Resident of
Village- Ghangah Dih, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajen Sahay, Advocate Mr.Akshansh Ankit, Advocate
For the Opposite Party/s :		Mrs.Nirmala Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-10-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Bakhtiyarpur (BKP) P.S. Case No. 235 of 2023 (giving rise to Cri. Case No. 928 of 2023) for the offence punishable under Sections 25(1B)a/26 of the Arms Act lodged on 3.6.2023 by the informant, Jyoti Kumar Basu.

3. As per the prosecution story, the allegation is that the police was checking the place when saw a person trying to escape. He was apprehended and gave his name as Suraj Kumar (the petitioner). Further, his house was searched and from one of the rooms behind a trunk, a country made rifle and cartridge were recovered. As no document was produced, he was taken into custody and the FIR.



4. It is the case of the petitioner that he is a student and do not have criminal antecedent, has already suffered by being in custody since 3.6.2023 (para-11 of the petition). Further, the alleged rifle and cartridge has been recovered from the joint house and not from the conscious possession of the petitioner and if he is granted bail, he is ready to cooperate with the police and will diligently appear in trial.

5. Learned APP opposes the prayer stating that there is recovery of a rifle and cartridge.

6. Taking into account the fact that he is a young boy of 22 years, as per para-10 of the petition, is appearing in the competitive examination, has already suffered by being in custody since 3.6.2023 and the recovery is not from his conscious possession rather from a joint house, 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 A.C.J.M.-III, Barh, in connection with Bakhtiyarpur (BKP) P.S. Case No. 235 of 2023 (giving rise to Cri. Case No. 928 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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