

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68115 of 2022

Arising Out of PS. Case No.-7 Year-2019 Thana- PHENHARA District- East Champaran

SUMAN SAURAV S/o Rakesh Jha R/o Village- Telhara Kala, P.S.- Kundwa
Chainpur, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 20-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
20.01.2020, in connection with Phenhara P.S. Case No. 07/2019,
F.I.R. dated 14.02.2019, for the offences punishable under
Sections 399, 402, 414 of the Indian Penal Code and Section
25(1-b) a, 26, 35 of the Arms Act.

According to prosecution case, on secret information,
the informant along with police personnel reached at the place
of occurrence and caught three miscreants and from their
possession one country made pistol, live cartridges and mobile
phone were recovered.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and he has
falsely been implicated in the present case on the basis of



disclosure made by the co-accused persons, namely, Prabhat Kumar and Avinash Kumar. He further submits that nothing incriminating article has been recovered from possession of the petitioner and the name of the petitioner has falsely been implicated in the present case due to previous criminal history of the petitioner. He further submits that except the disclosure made by the co-accused persons, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 20.01.2020.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries fifteen criminal antecedent other than the present case but fairly submits that the petitioner is in custody for more than three years.

Considering the aforesaid facts and circumstances and period of custody, 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 C.J.M., East Champaran at Motihari, in connection with Phenara P.S. Case No.07/2019, 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)

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