

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69435 of 2022

Arising Out of PS. Case No.-588 Year-2021 Thana- BIHTA District- Patna

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Suraj Kumar @ Suryakant Pandey @ Suryakant Kumar @ Suraj Pandey @
Baba S/O Chakradhar Pandey R/O- Samasthu Sthan, Bihta, P.S.- Bihta,
District- Patna

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-05-2023 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

Let the defect(s), as pointed out by the office, if any,

be removed within a period of four weeks from today.

The accused/petitioner is not named in F.I.R. and

apprehending his arrest in connection with Bihta P.S. Case No.

588 of 2021 registered for the offences punishable under

Sections 396, 397 and 307 of the Indian Penal Code and Section

27 of Arms Act.

The allegation against this petitioner is to commit

dacoity and while doing so also commit murder of the owner of

the shop which is running in name and style of M/s Maa



Vindhyavasani Jewellers.

Learned counsel appearing on behalf of the petitioner submitted that at the time of occurrence which is of 11.08.2021, petitioner was in judicial custody in connection with Sahpur P.S. Case No. 37 of 2020. It is pointed out that petitioner enlarged on provisional bail in said case on 07.12.2021 only and as such no occasion to be involved in present case of dacoity and murder. It is further submitted that name of petitioner surfaced during the course of investigation on the basis of confessional statement, where no incriminating material surfaced till now, to suggest any involvement of petitioner as conspirator. While concluding the argument it is submitted that petitioner found involved in only one case, where he is on bail.

Learned APP, while opposing the prayer of bail fairly conceded the fact that on the date of occurrence petitioner was in judicial custody.

Considering the aforesaid facts and circumstances as petitioner appears to be in judicial custody on the date of occurrence, let the above named petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of



the like amount each to the satisfaction of the learned Court of A.D.J.-IV, Danapur/concerned Court, where the case is pending in connection with Bihta P.S. Case No. 588 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., and also the following conditions:-

- “(i)That accused/petitioner shall join investigation, as and when required.
- (ii) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the trial court itself for the cancellation of bail bond of the petitioner.
- (iii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the trial court till conclusion of the trial and exemption from physical appearance be allowed by the trial court, only on medical ground of the petitioner, duly supported by the documents.
- (iv) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Archana/-

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