

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1469 of 2023

Arising Out of PS. Case No.-421 Year-2022 Thana- MADHAURAH District- Saran

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SURAJ KUMAR S/O LATE SAHEB SAH, Resident of Village- Sadha
Mathiya, P.S.- Muffasil, District- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh
For the Opposite Party/s : Mr.Dinesh Singh

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 03-04-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection with Marhawrah P.S. Case No. 421 of 2022 registered for offence punishable under sections 467, 468, 471, 420, 414 of the Indian Penal Code read with section 25 (1-b)a, 26, 35 of the Arms Act.

As per allegation, three accused persons including the petitioner, were arrested when they were fleeing away. A loaded country-made pistol was recovered from the possession of co-accused Anupam Shukla and one motor cycle was also recovered from his possession. From the possession of co-accused Rahul Kumar, a motor cycle was recovered. So far



as this petitioner is concerned, nothing was recovered from his possession.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The FIR shows itself that nothing was recovered from his possession and he is under custody since 29.06.2022.

On the other hand, the learned APP has opposed the prayer for bail and submitted that there are two cases of similar nature against the petitioner, whereupon the learned counsel for the petitioner has submitted that in both the cases, the petitioner is on bail, as mentioned in paragraph 3 of the bail petition.

Considering the above-mentioned facts and circumstances as well as period of custody, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand rupees) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Marhawrah P.S. Case No. 421 of 2022, subject to the following conditions:-

- (i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.



(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(iii) The petitioner shall remain present physically on each and every date fixed at the trial and his failure on two consecutive dates shall lead to cancellation of his bail bonds.

(iv) If it comes to the notice of the learned court below that the petitioner has been arrayed in any other case except the present one or the cases mentioned in paragraph 3 of bail petition, the learned court below shall be at liberty to cancel his bail bonds.

(Nawneet Kumar Pandey, J)

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