

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74901 of 2022

Arising Out of PS. Case No.-267 Year-2022 Thana- JALALPUR District- Saran

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SUMAN RAJ Son of Manoj Kumar Pathak Resident of Village - Sagaddi,
P.S.- Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Mohan Tripathi, Adv.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary
correction in the main application, has been filed on behalf of the
petitioner, which forms part of this application.

The petitioner seeks bail in connection with Jalalpur
P.S. Case No. 267 of 2022 registered for the offence under
Sections 399 and 402 of the Indian Penal Code and Section 25(1-
b)a, 26 and 35 of the Arms Act.

The petitioner is alleged to have been apprehended
having unlawful possession of one country made pistol and a
mobile phone.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in



this case. He further submits that it appears from the F.I.R. and the seizure list that one country made pistol has been recovered from the co-accused, Akash Kumar and a mobile is said to have been recovered from the possession of the petitioner. He further contends that, in fact, no fire arms have been recovered from exclusive possession of the petitioner, therefore, no case attracting the Arms Act is made out against him. He further submits that the mobile which is shown to be recovered from the possession of the petitioner is his own property and the same is not the stolen one. Moreover, similarly situated co-accused, namely, Akash Kumar and Sunny Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 24.03.2023 passed in Cr. Misc. No. 75344 of 2022 and Cr. Misc. No. 47434 of 2022, respectively, and the case of the petitioner stands on similar footing. The petitioner is rotting in judicial custody since 30.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Saran at Chapra in connection with Jalalpur P.S.



Case No. 267 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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