

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36460 of 2024

Arising Out of PS. Case No.-117 Year-2023 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Suman Saurabh Son Of Jageshwar Prasad Resident Of Ward No.06, Kailash
Pandit Tola, Khadiyahi, Bibbhutipur, P.S. - Bibhutipur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APp

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Nowkothi P.S. case No. 117 of 2023 instituted for the offences
under Sections 399, 402, 120B of the Indian Penal Code and
25(1-AA), 25(1-b)a, 26, 35 of the Arms Act .

3. Prosecution case, in short, is that on the basis of
secret information that some miscreants were planning to
commit dacoity in bank, the police conducted raid in Dhunna
Singh College. Seeing the police, six accused persons tried to
flee away but three of them were apprehended. On search, one
pistol has been recovered from the possession the petitioner.

4. Learned counsel for the petitioner submitted that



the petitioner is innocent and has falsely been implicated in the present case due to high handedness of police. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the recovered arms and ammunitions. Charge-sheet has been submitted in this case. It has been submitted on behalf of the petitioner that the petitioner is in custody since 06.09.2023 and has seven criminal antecedent. Other co-accused has been granted bail by this Court *vide* order dated 07-03-2024, passed in Cr. Misc. No. 14136 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, **after framing of charge, if not already framed**, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nowkothi P.S. case No. 117 of 2023, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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