

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58905 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- SURYAGARHA District- Lakhisarai

Suraj Kumar Son of Sadanand Ram Resident of Village - Nirpur, Ward No. 24, P.S. - Surajgarha, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Surajgarha P.S. Case No. 94 of 2024 dated 16.03.2024 instituted for the offence punishable under Sections 457, 380, 511 of the Indian Penal Code and Section 25(1-B)(a) of Arms Act.

3. The prosecution case, in short, is that in the night of 16.03.2024, when the informant along with her daughter was sleeping in her house, the petitioner entered her house through ventilator. On hue and cry, the petitioner fled away. It is alleged that when the informant along with daughter went outside her house, they found lying a country made pistol and a mobile phone. It is alleged that the at 3 am, the petitioner along with his uncle came and asked the informant to return the mobile phone.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the petitioner is next door neighbour. Learned counsel for the petitioner further submits that due to petty issues the present case has been lodged. Prior to this incident, an altercation took place between both the family members on the issue of discharging dirty water from the respective houses and the petitioner had abused the informant and had participated active role. As such, in retaliation to that occurrence, the present F.I.R. has been lodged against the petitioner. Learned counsel for the petitioner further submits that nothing has been stolen from the house of the informant. So far seized mobile phone and cap is concerned, the same were left on the hand pump at the time of bathing on that evening and the informant had dishonestly taken the mobile phone and cap of the petitioner. The petitioner is a student of B.A. (Hons.) who is studying at Magadh Mahavidyalaya, Chandi, Nalanda. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six



weeks from today, in connection with Surajgarha P.S. Case No. 94 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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