

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 66551 of 2024

Arising Out of PS. Case No.-233 Year-2020 Thana- Kharagpur District- Munger

Suraj Murmu S/o Barku Murmu R/o Village- Rarodih, Sarodih, P.S.-
Kharagpur, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Ms.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-10-2024 Heard the parties.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Kharagpur (Shampur) P.S. Case No. 233 of 2020 registered for the offences punishable under Sections 147/148/149/120(B)/121(A)/124(A) of the Indian Penal Code, Sections 25(1-B)(a)/26(i)(ii)/35 of the Arms Act and Sections 10/13/16/18/20/21 of the UAP Act.

3. Allegedly, the police, on a secret information that some extremists are assembled, conducted raid and apprehended 8 of the extremists. It is also alleged that the apprehended person disclosed the name of their associates, including the petitioner.

4. Learned Advocate for the petitioner contended that



save and except the disclosure made by the co-accused person, who was apprehended by the police, there is no other material suggesting his complicity; moreover the disclosure made before the police is hit by Sections 25/26 of the Indian Evidence Act; is the contention of the learned Advocate for the petitioner. It is next contended that in fact the criminal antecedent of the petitioner as has been disclosed in paragraph-3 of the application is the reason for his implication in such kind of cases, which also suggests the mala fide on the part of the police personnel. The other accused persons, whose name have transpired on the confessional statement of co-accused person, they have been allowed the privilege of regular bail by the different Benches of this Court, copies of the order have been marked as Annexure-P/2 series. It is lastly contended that be that as it may the petitioner has been incarcerated since 20.07.2023.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears four antecedent of identical nature and his complicity cannot be ruled out in the present case.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case



against the petitioner is based on confessional statement and there is no other cogent material, coupled with the fact that the other co-accused persons having identical allegation have been allowed the regular bail, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Munger in connection with Kharagpur (Shampur) P.S. Case No. 233 of 2020, subject to the condition that one of the bailors shall be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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