

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73742 of 2023

Arising Out of PS. Case No.-137 Year-2022 Thana- PRANPUR District- Katihar

Suraj Kumar Son Of Kanhaiyalal Das Resident Of Sakraili, P.S. - Sonaili,
District – Katihar Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Sanjeev Kumar Singh, learned counsel

for the petitioner and Mr. Upendra Kumar, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Pranpur P.S. Case No. 137 of 2022, F.I.R. dated 08.07.2022 for the offences punishable under Sections 224, 225, 341, 323, 353, 504, 506/34 of the Indian Penal Code and Section 25(1-B)A/26 of the Arms Act.

3. According to prosecution case, the informant received secret information that this petitioner was dancing near a temple with a country made pistol in his waist. It is further alleged that the petitioner was apprehended from the place of occurrence but anyhow managed to escape from there.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner



is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the information furnished by the spy and except the aforesaid no cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that on the basis of suspicion and the information furnished by the spy, the petitioner has been implicated in the present case.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation in the paragraph no. 57 of the case diary that the petitioner was also involved along with other accused persons but fairly submits that except the aforesaid no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned



Additional Chief Judicial Magistrate 1st Class, Katihar in connection with Pranpur P.S. Case No. 137 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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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