

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81909 of 2024

Arising Out of PS. Case No.-580 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

Surendra Kumar, S/O Ram Briksh Mahto @ Ram Vriksh Ray @ Ram Brij
Ray R/O Village- Pirganj, P.S- Patori (Mohanpur O.P), Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Om Prakash Om, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Patori (Mohanpur O.P.) P.S. Case No. 580 of 2022 registered for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. On a secret information that some miscreants are moving with the arms, the police rushed to the place of occurrence, however, noticing the police party, two persons succeeded in fleeing away after throwing some incriminating article. The police chased and apprehended one miscreant, namely, Chhotu Kumar Singh, who disclosed the name of the petitioner and one another co-accused person. On search, one country made pistol was recovered from the bush.



4. Learned counsel for the petitioner contended that save and except the disclosure made by the apprehended person, though which is not admissible in the eyes of law, there is no material suggesting complicity of the petitioner in the present crime. Even if the disclosure of co-accused Chhotu Kumar Singh, taken into consideration, it is not alleged that the recovered arms belongs to the petitioner. There are other infirmities in the search and seizure. Moreover, the petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure made by the apprehended person, there is no material suggesting complicity of the petitioner in the present crime, coupled with the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M./concerned Court, Samastipur in connection with Patori (Mohanpur O.P.) P.S. Case No. 580 of



2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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