

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53945 of 2015**

Arising Out of PS.Case No. -225 Year- 2013 Thana -BAHADURPUR District- DARBHANGA

Vijay Shankar Pandey S/o late Sitamram pandey Resident of Village Pura ,  
P.s Barh, District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dharmendra Jha

For the Opposite Party/s : Mr. Arun Kumar Pandey (App)

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

6      16-02-2016      Heard learned counsel for the petitioner and learned  
counsel for the State.

The petitioner apprehends his arrest in connection with  
Bhadurpur P.S. Case No. 225 of 2013 registered for the offences  
punishable under Sections 109, 120(B), 406, 409, 420, 468, 469,  
470 and 471 of the Indian Penal Code.

Learned counsel for the petitioner submits that on the  
death of one Sagar Honhanga on 23.11.2012, which appeared to a  
case of suicide, an inquiry was conducted regarding disappearance  
of cartridges from B.M.P.-13 by the commandant, B.M.P.-13. It  
was directed that one Ram Singh should take over charge of the  
Store and one Ram Prabhakar Choudhary was directed to hand  
over charge after preparing inventory. It is further submitted that



during preparation of the inventory, certain discrepancies were there and cartridges were reported to have disappeared from the reserve store and accordingly, the report dated 26.05.2013 was submitted. It transpires from the said report that alongwith the said Sagar Honhanga one Hawaldar Nek Mohammad Khan @ Nek Mohammad Khan was also incharge and the petitioner's name has surfaced only because he was posted there as Home Guard at the said store. It is further contended that save and except the aforementioned allegation that he was functioning alongwith Sagar Honhanga, there is no further material on record in the case diary to implicate the petitioner in the present case. It is further submitted that similarly situated co-accused persons, namely, Hawaldar Nek Mohammad Khan @ Nek Mohammad Khan has been extended the privilege of anticipatory bail vide order dated 21.12.2015 passed in Cr. Misc. No. 37297 of 2015.

Learned counsel for the State after perusal of the case diary submits that save and except the allegation that petitioner was one of the person, who was functioning along with Sagar Honhanga, there is no cogent material on record so as to implicate the petitioner in the present case.

Considering the aforesaid facts and circumstances of the case and the material available on the record, let the petitioner

above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Darbhanga in connection with Bhadurpur P.S. Case No. 225 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C..

**(Anjana Mishra, J)**

Jagdish/-

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