

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22311 of 2017

Arising Out of PS.Case No. -647 Year- 2016 Thana -BHAGALPUR KOTWALI District-
BHAGALPUR

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1. Pankaj Yadav, Son of Late Raghu Yadav, resident of Village- Karaila,
P.S.- Madhusudanpur District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 22-06-2017 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is languishing in custody since
25.11.2016 in connection with Kotwali (Adampur) P.S. Case No.
647/2016 for offences alleged under Sections 399 and 402 of the
Indian Penal Code.

The prosecution case, as alleged by the police
personnel, is that on secret information that some criminals have
assembled to commit dacoity search was made and five persons
were apprehended including the petitioner. From the pocket of the
petitioner one country made pistol and two live cartridges were
recovered.

It has been submitted by the learned counsel for



the petitioner that a separate case bearing Kotwali (Adampur) P.S. Case No. 648/2016 had been registered for possessing firearms under Sections 25(1-b)a, 26 and 35 of the Arms Act, in which he has been granted privilege of bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 20644/2017 on 19.06.2017. Learned counsel further submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence and that other co-accused has since been granted privilege of bail in Cr. Misc. No. 19267/2017 on 17.05.2017. He submits that no over act has been committed by the petitioner, hence, a sympathetic consideration be taken.

However, learned APP for the State submits that the petitioner has got criminal antecedent, hence, opposes the prayer for bail.

Considering the facts aforesaid and materials available on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kotwali (Adampur) P.S. Case No. 647/2016, subject to the condition that the petitioner will remain physically present in the court on each and every date during trial and in the event of failure to appear on



two consecutive dates without assigning any reason will be liable
for cancellation of his bail bond.

(Nilu Agrawal, J.)

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