

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12137 of 2018

Arising Out of PS.Case No. -131 Year- 2012 Thana -SAHKUND District- BHAGALPUR

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Umesh Pandit @ Umesh Kumar Pandit S/o Sri Upendra Pandit, R/o
Village- Hajipur, P.O.- Ratanganj, P.S.- Sajour (Shakund), District-
Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashutosh Kumar, Advocate.

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 16-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 10.01.2018 in connection with Shahkund (Sajour) P.S. Case No. 131 of 2012 for the offences alleged under Sections 25(1-b) A, 26/35 of the Arms Act.

3. It is submitted that the petitioner has been falsely implicated merely on the extra judicial confessional statement of co-accused Ajay Kumar and except this there is no other material to connect the petitioner with the alleged occurrence. The petitioner was apprehended at the spot and from whose possession one country made pistol was recovered. The petitioner is alleged to be one of the persons who fled away from the spot. The ingredients of the offences alleged against the petitioner are not applicable as no arms have been recovered from his possession. The petitioner claims clean antecedents and he has been made accused in one other case arising out of the same occurrence.

4. Be that as it may, having regard to the entirety of



the facts and circumstances of the case, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, in connection with Shahkund (Sajour) P.S. Case No. 131 of 2012, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Vikash Jain, J)

Md. Ibrarul/BT

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