

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16567 of 2019

Arising Out of PS. Case No.-462 Year-2018 Thana- BARHARA District- Bhojpur

SUMIT PANDEY Son of Kanhaiya Pandey @ Chandradhar pandey, Resident of Village - Jagatpur, Pakari, P.S.- Krishna Garah (Barahara), Distt.- Bhojpur., At present Resident of Village - and Post and P.S.- Shahpur, Distt. Bhojpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey
For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2019 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Barahara P.S. Case No. 462 of 2018 for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Section 25(1-B)a, 26 and 35 of the Arms Act.

The case of the prosecution is that when the police received secret information that some accused persons were preparing to commit crime, the check post was erected whereupon a bolero vehicle and bullet motorcycle were intercepted and three persons were apprehended including the petitioner herein and upon search, some arms were recovered.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and he



was merely sitting in the said vehicle from which one local iron and wood shotgun rifle was found in front of the seat and in fact admittedly the same belong to the co-accused, namely, Krishna Pandey, who is the owner of the Bolero vehicle. It is further submitted that though the petitioner is accused in one case but he is on bail in the said case. It is further submitted that the petitioner is languishing in custody since 12.11.2018. Lastly it is submitted that similarly situated other accused persons have been granted bail by co-ordinate Benches of this Court vide orders dated 30.1.2019, 13.2.2019 and 14.3.2019 passed in Cr. Misc. Nos. 3706 of 2019, 7988 of 2019 and 16027 of 2019.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 6th A.C.J.M. cum Sub Judge, Bhojpur (Ara) in connection with Barahara P.S. Case No. 462 of 2018.

(Mohit Kumar Shah, J)

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