

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33413 of 2019

Arising Out of PS. Case No.-122 Year-2019 Thana- SHASTRINAGAR District- Patna

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Pankaj Kumar @ Pankaj Sharma @ Karan Kumar @ Dharmendra Sharma @
Dharmendra Kumar son of Late Tripet Narayan Sharma, Resident of
Mathurapur, P.S.- Bidupur, Dist.- Vaishali, at present A.G. Colony, Nand
Kishore Naryan Sinha House No.A/223 (Rentar) Baba Chauk, P.S.- Shastri
Nagar, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Sunil Kumar Pathak, Advocate
For the Opposite Party : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-05-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in connection with
Shashtri Nagar P.S. Case No.122 of 2019 registered under
Sections 399 and 402 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that none of the ingredients of Section 399 or Section
402 of the Indian Penal Code are attracted in the present case.
There is no material on the basis of which it can be said that the
petitioner was engaged in making preparation for committing
dacoity. There is also no material to support that the petitioner
had assembled with some other persons for the purpose of



committing dacoity. Recovery of *Khukhri* from possession of the petitioner would not make out any criminal case against the petitioner as *Khukhri* is not a prohibited weapon and is easily available in open market.

Learned counsel for the State submitted that the petitioner was talking together with three others and on seeing the police party they started fleeing away. On chase, they were caught and from possession of the petitioner one *Khukhri* was recovered.

Be that as it may, considering the submissions advanced at the Bar, the period undergone by the petitioner in custody and the fact that custodial interrogation of the petitioner is not warranted, he is directed to be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-IV, Patna in connection with Shashtri Nagar P.S. Case No.122 of 2019 subject to the following conditions:-

- (a) that the petitioner shall attend court in accordance with the conditions of the bond executed,
- (b) that the petitioner shall not commit an offence similar to the offence of the present case, and
- (c) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to



dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(Ashwani Kumar Singh, J)

Md. S/-

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