

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15819 of 2020

Arising Out of PS. Case No.-816 Year-2019 Thana- SARAIYA District- Muzaffarpur

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Pankaj Kumar Singh @ Pankaj Kumar, Son of Sri Ranjeet Singh, Resident of
Village- Fanda, P.S.- Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.

For the Opposite Party/s : Mr. Manish Kumar, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 28-04-2020 Heard Mr. Ajay Kumar Thakur, learned counsel

appearing for the petitioner, and Mr. Manish Kumar, learned

A.P.P. appearing for the State.

The petitioner is accused in connection with Saraiya
P.S. Case No. 816 of 2019, registered under Section 414/34 of
the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the
Arms Act.

The accusation is that in course of checking of the
vehicle, two persons were seen on motorcycle. When the signal
was given to stop the motorcycle, then both tried to flee away
but, on chase, both persons were apprehended. On query, the
person, who was driving the the motorcycle, disclosed his name
as Pankaj Kumar (petitioner) and the person, who was sitting



behind him, disclosed his name as Anupam Kumar. On search, Pankaj Kumar (petitioner) was found in possession of one loaded double barrel country made pistol and one live cartridge, whereas Anupam Kumar was found in possession of two mobile sets. When the police asked them to produce paper regarding the ownership of motorcycle, they could not give satisfactory reply.

Learned counsel for the petitioner submits that, in fact, petitioner was apprehended by the police mere on suspicion from his village and, thereafter, he has been implicated in the present case, showing the recovery of one loaded double barrel country made pistol with one live cartridge and motorcycle. It is further submitted that petitioner has no criminal antecedent and is in custody since 06.12.2019.

On the other hand, learned Additional Public Prosecutor appearing for the State opposed the prayer for bail of the petitioner with submission that one stolen motorcycle was also recovered from possession of the petitioner in addition to one loaded double barrel country made pistol and one live cartridge.

Having regard to the facts and the circumstances of the case and also considering the period of custody of the petitioner, the petitioner above named, is directed to be released



on bail on furnishing bail bond of Rs.5,000/-(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I West Muzaffarpur, in connection with Saraiya P.S. Case No. 816 of 2019.

(Rajendra Kumar Mishra, J)

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