

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21621 of 2020

Arising Out of PS. Case No.-111 Year-2020 Thana- SARAIYA District- Muzaffarpur

HARI SHANKAR PANDEY, (Male), aged about 56 years, (D.O.B. 01.01.1964), Son of Late Bindeshwar Pandey, Resident of Village - Sherpur Ratwara, P.S.- Sadar, District – Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Thakur and Mr. Malay Kumar Choudhary, Advocate.

For the Opposite Party : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 399, 402, 414 of the IPC and 25(1-b)a, 26 and 35 of the Arms Act.



The prosecution story, in brief, is that on 21.02.2020, the informant raided the house of co-accused Kanak Kumar and arrested Hari Shankar Pandey (petitioner), Kameshwar Rai @ Jila Rai, Kanak Kumar, Karan Kumar and Mukesh Pathak. On search, one country made loaded pistol alongwith two live cartridges, Mobile Phone and one Motorbike were recovered from possession of the petitioner. The same things were also recovered from possession of other co-accused.

It has been submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 22.02.2020. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. One country made loaded pistol alongwith two live cartridges is alleged to have been recovered from possession of the petitioner. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of



the learned A.C.J.M.-I, West, Muzaffarpur in connection with Saraiya P.S. Case No. 111 of 2020.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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