

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30452 of 2020**

Arising Out of PS. Case No.-99 Year-2020 Thana- NAWADA MUFFASIL District- Nawada

SURENDRA @ PANKAJ YADAV Son of Kuldeep Yadav Resident of
Village- Bhuwalchak, P.S.- Warsaliganj, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-11-2020 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Mofassil P.S. Case No. 99 of 2020 registered

for the offences punishable under Section 307, 353/34 of the

Indian Penal Code and Section 25(1-b)a/26/27/23 of Arms Act.

The allegation in the First Information Report is that

when the informant alongwith other five police personnel were

checking the vehicles, meanwhile, three persons came on two

motocycles and when the police tried to stop them one person

made firing from country made pistol but due to misfire the life



of checking party was saved. Two persons were caught by the police and one person was succeeded in fleeing away. On query they disclosed their name as Mantu Kumar @ Tullu and Surendra @ Pankaj Yadav (the petitioner). One country made pistol loaded with 9 m.m. misfired cartridge was recovered from Mantu Kumar @ Tullu and one 9 m.m. live cartridge was recovered form this petitioner.

Learned counsel for the petitioner submits that one 9 m.m. live cartridge has been recovered from the possession of the petitioner. The petitioner is falsely implicated in this case, however petitioner is in custody since 28.04.2020 having no criminal antecedent. Learned counsel submits that the seizure list witnesses are the police personnel only.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is alleged that one 9 m.m. live cartridge has been recovered from the possession of this petitioner but there is no allegation that he was having any pistol or that he has caused any firing and the submission of the petitioner that the seizure list witnesses are the police personnel only, he is in custody since 28.04.2020 having no criminal antecedent and there is no



submission of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Mofassil P.S. Case No. 99/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioners has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

