

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15067 of 2021

Arising Out of PS. Case No.-534 Year-2020 Thana- PHULWARISHARIF District- Patna

PARDESHI KUMAR Son of Bijendra Ravidas Resident of Village
-Mamrespur, Police Station - Naubatpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shankar Kumar, Adv. Mr.Sada Nand Roy, Adv.
For the Opposite Party/s :		Mr.Dilip Kr.No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

At the very outset, it is fairly submitted by learned counsel for the petitioner that petitioner has got two criminal antecedents and in support thereof, he has filed a supplementary affidavit in this case but the same is not on record.

Office is directed to trace out the same and tag with the records of this case.



The petitioner seeks bail in connection with Phulwari Sharif (Janipur) P.S. Case No.534 of 2020 registered for the offence punishable under Sections 399, 402 of the Indian Penal Code, 1860 and sections 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case in short is that on secret information, when the police reached near Naharpura Mandir at Nahar Road, they saw that a Scorpio was standing near the temple and seeing the police force, the persons sitting in the Scorpio tried to escape but four of the accused including petitioner were caught and other four persons fled away. On search, two loaded pistols, two live cartridges and mobile phones of Samsung company have been recovered from their possession.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. From perusal of the F.I.R., it is clear that no incriminating article has been recovered from the conscious physical possession of the petitioner. There is no compliance of Section 100 (4) of the Cr.P.C. The petitioner has nothing to do with the alleged occurrence nor with the fire arms which have



been said to be recovered from the possession of co-accused persons. The entire allegation levelled against the petitioner is general and omnibus in nature. The petitioner has two criminal antecedent (as per the supplementary affidavit) and has been languishing in custody since 04.10.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Judge IX cum A.C.J.M.- Patna, in connection with Phulwari Sharif (Janipur) P.S. Case No.534 of 2020.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

