

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20079 of 2021

Arising Out of PS. Case No.-299 Year-2020 Thana- CHANPATIA District- West Champaran

Kundan Pandey Son Of Gauri Shankar Pandey Resident Of Village- Lakhaura
Dubauliya, P.S.- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai

For the Opposite Party/s : Ms. Meena Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2021 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.

The petitioner seeks bail in connection with Chanpatia P.S.
Case No. 299 of 2020 registered for the offence punishable under
Sections 399, 402 of the Indian Penal Code and Sections 25 (1-B) a,
26, 35 of the Arms Act.

As per the prosecution case, on the basis of secret
information and while on search various armmunitions, mobile
phones and a cash of Rs. 46,350/- were recovered from the
possession of accused persons. It is alleged that one country made
pistol and four live cartridges beside one loaded cartridge were



recovered from petitioner *Kundan Pandey*.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He further submits that the petitioner was arrested in the background of cases mentioned in para 3 of the bail application and the police got confessional statement of the petitioner recorded forcibly though nothing was recovered from his conscious possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has four criminal antecedents as has been mentioned in para 3 of this bail petition and he is languishing in custody since 28.06.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, 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 court below where the case is pending/successor Court in connection with Chanpatia P.S. Case No. 299 of 2020, subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other



case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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