

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23425 of 2021

Arising Out of PS. Case No.-589 Year-2020 Thana- BIHAR District- Nalanda

ROCKY PANDEY Son of Jagarnath Pandey Resident of Village - Balwa,
Kuari, P.S.- Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Bihar P.S. Case No. 589 of 2020 for the offence under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Accusation is of recovery of two live cartridges from the conscious possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has not committed any offence. In fact, nothing



has been recovered from the conscious possession of the petitioner. Charge-sheet has been submitted in this case and cognizance has also been taken by the learned Magistrate. There is no chance of tampering with the witnesses. Moreover, the co-accused, namely, Sanjay Pandey having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 27.07.2021 passed in Cr. Misc. No. 24861 of 2021. The petitioner is rotting in judicial custody since 10.09.2020.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Biharshariff, Nalanda in connection with Bihar P.S. Case No. 589 of 2020, subject to the following conditions:

(I) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive



dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rajesh Kumar Verma, J)

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