

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39554 of 2020

Arising Out of PS. Case No.-142 Year-2020 Thana- KARAHGAR District- Rohtas

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Damodar Pandey, Son of Late Bikrama Pandey, Resident of Village -
Kargahar, P.S. - Kargahar, District - Rohtas

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 12-03-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Kargahar P.S. Case No.142 of 2020 for the offence punishable
under Sections 25(1-b)A, 26(i), 35 of the Arms Act.

One loaded country made pistol and six live
cartridges have allegedly been recovered from the petitioner by
the police who have reached the place on a tip-off. The
petitioner continues to be in custody since 03.06.2020

Submission is that the recovery/seizure is not as
per Section 100 Cr.P.C. and merely on the basis of his earlier
antecedents, the petitioner has been implicated in this case.

Learned APP for the State has opposed the prayer
for bail.



Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate, Sasaram, Rohtas, in connection with Kargahar P.S. Case No.142 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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