

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40403 of 2020

Arising Out of PS. Case No.-719 Year-2020 Thana- AHYAPUR District- Muzaffarpur

MANISH KUMAR PANDEY son of Late Akhileshwar Pandey Resident of
Village- Medan Sirsia, P.S. Kalyanpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-03-2021 Heard Mr. Shanti Bhushan Singh, learned counsel
for the petitioner and Mr. Uday Pratap Singh, learned Additional
Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 719 of 2020 registered for the offences
punishable under Sections 414, 356, 379/34 of the Indian Penal
Code 1860 and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The allegation as per the First Information Report is
that two persons namely, Karn Kumar Pandey and Md.
Aashique were arrested by the Police and recovered one Mobile
Phone, SIM Cards, Motorcycle and one loaded country made
pistol from possession of Karn Kumar Pandey whereas one
Motorcycle, Passbook, ATM Card, Mobile Phone and SIM
Cards were recovered from possession of Md. Aashique. The



name of petitioner has transpired on the basis of confessional statement made by arrested co-accused Md. Aashique.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of disclosure of his name by the arrested co-accused. Learned counsel further submits that from the seizure list it would be evident that the Mobile phones have been recovered from possession of the petitioner, and, co-accused Afsar Alam, from whose possession a Mobile Phone and Motorcycle were recovered, has been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No.617 of 2021. Learned counsel further submits that the petitioner is in custody since 3.9.2020 having no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the materials on record, the fact that the petitioner is in custody since 3.9.2020 having no criminal antecedent and similarly situated co-accused person has been granted bail by a co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/-



(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 719 of 2020.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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