

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9306 of 2021

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

Navin Pandey @ Naveen Pandey Son Of Shivrath Pandey R/O Village-
Khardeur, Ward No.2, P.S.- Chanpatia, Dist.- West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-06-2021 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 read with Section 25(1-
B)/a/26/35 of the Arms Act.

Acting on a tip of secret information that some miscreants are
assembled at village Malkauli in the house of Bablu Pandey with
illegal arms and ammunition informant raided the house and on
seeing the informant they tried to flee away but four persons are
caught apprehended by the police. It is alleged that on search one



country made pistol and four cartridges were recovered from the possession of Kundan Pandey, one Nalkatua, one live cartridge, and a mobile phone were recovered from Ayush Pandey, one country made Nalkatua, one live cartridge, I phone and cash amount of Rs.46350/- was recovered from the possession of Sawan Singh, one mobile phone and a live cartridge were recovered from Chand Pandey and in the presence of witnesses seizure list was made.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No incriminating article has been recovered from his conscious physical possession. He submits that name of the petitioner transpired in this case on the disclosure of apprehended persons and the petitioner was not present at the place of occurrence. He further submits that only on mere suspicion, petitioner has been implicated in the present case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has got criminal antecedent and one case is pending against him as stated in para 3 of the 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 in connection with Chanpatia P.S. Case No. 299 of 2020 subject to 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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