

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6935 of 2022

Arising Out of PS. Case No.-488 Year-2021 Thana- KAHALGAON District- Bhagalpur

BHOLA PANDIT SON OF SHIV KUMAR PANDIT RESIDENT OF
VILLAGE- PURANI KUMHAR TOLI, SAHEBGANJ, POLICE STATION-
NAGAR, DISTRICT- SAHEBGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-06-2022 Heard learned counsel for the petitioner and the State
through Video conferencing.

Petitioner seeks regular bail in Kahalgaon P.S. Case
no. 488 of 2021 registered for the offence punishable under
Sections 399, 402 of the Indian Penal Code and section 25(1-b)
A/26/35 of the Arms Act.

Allegedly, this petitioner and co-accused persons
assembled behind show room and they were planning to commit
some offence and in the meantime, police party arrived there on
getting secret information and petitioner was arrested at the spot
and from his possession, a loaded country made pistol was
recovered and some co-accused persons managed to escape.

The main submissions advanced by the learned



counsel for the petitioner are that there is no eye witness to the alleged recovery of firearm. There is no independent witness of the said recovery, charge sheet has been submitted in respect of the petitioner and he has been languishing in jail since 31.7.2021 and one co-accused has been granted anticipatory bail by a coordinate bench of this court vide order passed in Cr. Misc. no.69880 of 2021 (Annexure 2) and petitioner is stated to have disclosed the name of said co-accused person.

Learned APP opposes the prayer for bail.

Heard both sides and perused the FIR. As per prosecution story, police got an information that some wanted accused persons connecting with bank dacoity bearing Kahalgaon P.S. Case no. 460 of 2021 are planning to commit serious offence and following the said information, police raided the said place and petitioner was arrested from the said place and from his possession a loaded country made pistol was recovered and as per para 3 of the petition, four cases have been shown as criminal antecedent of the petitioner.

Considering all these facts as well as recovery of firearm from the possession of this petitioner and his long criminal antecedent, in my view, this petitioner does not deserve privilege of bail and accordingly, his prayer for bail stands



rejected. Petitioner may renew his prayer for bail after framing
of the charge.

(Shailendra Singh, J)

s.hassan/-

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