

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14319 of 2022

Arising Out of PS. Case No.-230 Year-2021 Thana- GANGABRIDGE District- Vaishali

PANKAJ KUMAR S/o Ganesh Sah Resident of Village- Saidpur Ganesh,
Ward No. 09, Panapur Dharmapur, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Sections 399, 402 of the Indian Penal Code and sections 25(I-b)a, 26, 35 of the Arms Act.

As per allegation, when police party raided mango orchard, accused persons started fleeing away, petitioner and two accused persons were apprehended at the spot and two co-accused managed to escape and from the possession of this petitioner, one loaded country made pistol along with one cartridge was recovered and from the possession of other accused persons loaded country made pistol, cartridges and knife were recovered. According to the prosecution case, accused persons gathered at the said place with an



intention to commit offence of loot at petrol pump.

The main submissions advanced by the learned counsel for the petitioner are that petitioner has been languishing in jail since 18.10.2021, against him investigation has been completed, charge sheet has been submitted, there is no independent witness of the alleged recovery of firearms and against the petitioner there is criminal antecedent of three cases in which two cases were lodged prior to the present case and in third case petitioner was remanded after arrest in the present case and he is on bail in respect of said two cases which were earlier lodged.

Learned APP opposes the prayer for bail.

Heard both sides and perused the FIR and seizure list attached to the FIR. Though from the possession of this petitioner, one loaded country made pistol was recovered as per prosecution but the same recovery has been made before police personnel and all material witnesses are official witnesses and petitioner is behind bar since 18.10.2021 and as per learned counsel for the petitioner, in petitioner's case charge is to be framed. Accordingly, in my view, a lenient approach may be taken in respect of the petitioner.

Let the 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 the Chief Judicial Magistrate, Vaishali at Hajipur in Ganga Bridge P.S Case No. 230 of 2021 on the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

Bail bond of the petitioner shall be accepted after framing of the charge.

(Shailendra Singh, J)

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