

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18426 of 2022

Arising Out of PS. Case No.-468 Year-2021 Thana- KAHALGAON District- Bhagalpur

BHOLA PANDIT, Son of late Shiv Kr. Pandit, R/o Purani, Sahabganj,
Kumhar Tola, P.S.- Nagar, District- Sahebganj (Jharkhand)

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Anant Kumar-I, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 40 of 2022, arising out of Kahalgaon P.S. Case No. 468 of 2021 lodged under Sections 399 and 402 of the Indian Penal Code read with Section 25(1-b)a, 26 and 35 of Arms Act.

As per allegation made in the F.I.R., a raid was conducted in which two persons namely, Santosh Sah and Sunny Kumar arrested with loaded arms and cartridges and two persons fled away. Upon query from the arrested persons, they have disclosed the name of accused Deva Singh and Kundan Saw.

Learned counsel for the petitioner submits that in the

F.I.R. there are four names figured in this case but name of present petitioner was not figured. Therefore, no recovery from the petitioner and arms act not applicable. Learned counsel for the petitioner further submits that petitioner's name has figured in this case on the confessional statement of co-accused Deva Singh @ Arjun Singh (accused no.3).

Learned counsel for the petitioner further submits that there are four criminal cases pending against the present petitioner, two was filed in the year 2020 in which bail was granted, whereas the rest two cases of 2021 were filed after filing of the present case. It has been submitted that in two cases he is on bail and in rest two cases, he is in custody. It has been submitted that after submission of charge sheet, charge has also been framed in this case. The petitioner is ready to file any undertaking before the court.

Learned A.P.P. has opposed the prayer for bail.

In the present facts and circumstances that name of present petitioner has figured in this case by the confessional statement of co-accused and nothing has been recovered from his possession, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of

learned Addl. District & Sessions Judge-V, Bhagalpur in connection with Sessions Trial No. 40 of 2022, arising out of Kahalgaon P.S. Case No. 468 of 2021, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

The petitioner is directed to appear on each and every date before the Trial Court, in case of non-appearance for two consecutive dates, shall resulted into cancellation of his bail bond. If he shall involve in such type of activities again, the prosecution shall be at liberty to move for cancellation of his bail bond.

Accordingly, the bail application stands allowed.

(Dr. Anshuman, J.)

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