

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26016 of 2022**

Arising Out of PS. Case No.-369 Year-2021 Thana- SONO District- Jamui

SHOBHAKANT PANDEY S/o Shrikant Pandey R/o village- Patambar, P.S.-
Sikandara, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 01-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sono P.S.
Case No. 369 of 2021 registered for the offence under Sections
121A, 122, 123 and 120B of the Indian Penal Code and Sections
13, 16, 17, 18, 18A, 19, 20 and 39 of the Unlawful Activities
(Prevention) Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.12.2021.

The allegation against the petitioner, who is a medical
practitioner, to be involved in naxalite activities by
helping naxals.



Learned counsel appearing on behalf of the petitioner submitted that except confessional statement of the petitioner, nothing surfaced during the course of investigation, which may incriminate the petitioner in the present case. It is submitted that petitioner is a doctor of the locality and the present prosecution is with oblique motive, which get it strength as just within a gap of 7 days, two FIR were lodged against the petitioner, regarding similar nature of offences. It is also submitted that the entire recovered/seized documents belongs to the petitioner himself, as per seizure list. It is further submitted that the alleged transfer of fund is in favour of wife and daughter of the petitioner. While concluding the argument, it has been submitted that mere on suspicion surfaced on the ground that petitioner found with telephonic conversations with certain people having suspicious background of naxalite activities, named in present case, moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that nothing incriminating recovered/surfaced during course of investigation, except call details.

Considering the facts and circumstances as mentioned



above, as except call details report, nothing incriminating surfaced during course of investigation to connect petitioner, *prima facie*, with allegation coupled with the fact that the entire seizure list shows that documents belong to the petitioner, where transfer of fund is in favour of his wife and daughter, let the petitioner, above named, is directed to be released on bail in connection with Sono P.S. Case No. 369 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jamui/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall



be Nityanand Munni Pandey, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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