

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29484 of 2022

Arising Out of PS. Case No.-628 Year-2021 Thana- HARNAUT District- Nalanda

RAKESH PANDEY @ RAKESH KUMAR Son of Sri Shatrudhan Pandey @
Satrohan Pandey Resident of village - Nehusa , P.s.- Harnaut, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md.Imteyaz Ahmad

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-08-2022 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
offences punishable under sections 25(I-b)a and 26 of the Arms Act.

As per allegation, a country made pistol and one live cartridge
was recovered from the person of this petitioner.

The main submissions advanced by Sri Md. Imteyaz Ahmad,
the learned counsel for the petitioner are that the petitioner has been
languishing in jail since 31.12.2021 having clean antecedent and alleged
firearm was planted by his neighbour as petitioner has no good relation at
the time of occurrence, in fact, one co-villager namely, Rohit Kumar and
some others came at the house of the petitioner started abusing and
damaging Karkat roof of his house, regarding that incident, complaint case
was filed by the wife of the petitioner and in retaliation, present case was
lodged.



Sri Pawan Kumar Chaurasia, learned APP appearing for the State has opposed the prayer for bail.

Having considered the above submissions and mainly petitioner's clean antecedent and his custody period, this court is of the opinion that 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, Nalanda at Biharsarif in Harnaut P.S Case No. 628 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.

(Shailendra Singh, J)

s.hassan/-

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