

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29772 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- BUNIYAD GANJ District- Gaya

Pankaj Kumar, Son of Raju Prasad Resident of Village - Manpur Bazar Patwa
Toli, P.S.- Buniyadganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Buniyadganj P.S. Case No.236/2021 instituted under
Sections 413, 414/34 of the Indian Penal Code and 25(1-b)a,
26,35 of the Arms Act.

The petitioner was one of the four persons who was
riding on a motorcycle. When the police intercepted them, they
failed to provide document for the said motorcycle. On further
search, it is alleged that from the pocket of the petitioner, a live
cartridge was recovered. Accordingly, the same was
recovered/seized and the petitioner was taken into custody.

Learned counsel for the petitioner submits that



allegation is of recovery of looted pistol, live cartridge and a mobile from him. He further submits that for the said act he has suffered a lot by being in jail since 01.11.2021 (as stated in para-14 of the bail application). He further submits that he has no criminal antecedent. He lastly submits that the one of the co-accused namely Rohit Kumar has since been granted the privilege of bail by this Court vide Cr. Misc. No.19184/2022 on 28.07.2022.

Taking into account the aforesaid fact that the petitioner do not have criminal antecedent, he is in jail since 01.11.2021 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail. If however it is found that contrary to the statement made in bail application, he do have criminal antecedent, the bail application shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Buniyadganj P.S. Case No.236/2021 to the satisfaction of learned A.C.J.M.,VIII, Gaya, Judicial Railway Magistrate, Gaya, subject to following conditions:

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

