

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32460 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

=====

Amit Pandey Son of Sunil Pandey Resident of Village - Kachichi Pakki, P.S.-
Sadar, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Snr. Advocate.
	:	Mr. Raju Kumar, Advocate.
For the Opposite Party/s	:	Mr.Amit Kumar Rakesh, APP.

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 31-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Mr. N. K. Agrawal, learned senior counsel for the
petitioner and Mr. Amit Kumar Rakesh, learned APP for the State
are present.

Petitioner seeks regular bail in connection with Motihari
Town P.S. case no. 175 of 2022 registered for the offences
punishable under Sections 399 and 402 of the Indian Penal Code
and Section 25(1-B)a, 26, 35 of the Arms Act.

Allegedly this petitioner and other co-accused persons
were making preparation to commit the offence of loot and in the
meantime the police raided the alleged place where the accused



persons had assembled and on seeing the police party the accused persons made an attempt to flee but the petitioner and co-accused Ranjit Pandey were apprehended at the spot and other accused persons managed to escape and from the possession of this petitioner a loaded country made pistol and from the possession of co-accused Ranjit a live cartridge was recovered.

The main submissions advanced by Mr. N. K. Agrawal, learned senior counsel for the petitioner are that the petitioner has got no criminal antecedent and languishing in jail since 11.3.2022 and against him the investigation has been completed.

Mr. Amit Kumar Rakesh, learned APP has opposed the prayer for bail.

In view of the above submissions and considering the petitioner's clean antecedent and mainly taking into account the fact that the recovery of alleged fire arm was made before the police personnel who have been made witnesses to the alleged search and seizure and the petitioner's case is at initial stage of trial and the main prosecution witnesses are official witnesses, in the opinion of this Court, the petitioner deserves to a lenient approach, 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 concerned Court in connection with Motihari Town P.S. case No. 175 of 2022 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

siddharthkr/-

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

