

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33230 of 2022

Arising Out of PS. Case No.-359 Year-2021 Thana- JHAJHA District- Jamui

Shobha Kant Pandey Son Of Shrikant Pandey Resident Of Village- Patambar,
P.S.- Sikandra, 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. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 121-A, 122 of the Indian Penal Code, Section 25(1-b)a, 26(B), 35 of the Arms Act and Section 4 of the Explosive Substance Act.

As per prosecution case, in brief, is that on secret information relating to collection of arms and explosive substance with Nexalites, a raid was conducted on 11.12.2021 at about 11:00 A.M. near Jurpania. From there a plastic drum containing 100 Kg. explosive, one country made masket, one



country made pistol were recovered. Seizure list prepared about it. On search no one found in surrounding. Later on after further search some persons from surrounding said about involvement of accused Pintu Rana, karuna Di, Sunil Marandi, Matalu Turi, Vijay Yadav and 10-15 other Naxalities, who fled away considering movement of police.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that in fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of self confessional statement of the petitioner which was recorded in Sono P.S. Case No. 369 of 2021. He further submits that except the self confessional statement of the petitioner nothing has come during investigation against the petitioner and the petitioner has no concern at all with the alleged recovered arms and remuneration. The petitioner is in custody since 29.03.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Court below where the case is pending in connection with Jhajha
P.S. Case No. 359 of 2021, with 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 and shall remain physically present as directed by the Court 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

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

