

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.43982 of 2021**

Arising Out of PS. Case No.-144 Year-2020 Thana- MAINATAND District- West Champaran

Pankaj Choudhary Son Of Suresh Choudhary Resident Of Village - Pokharia
Rai, P.S.- Chanpatia, District - West Champaran. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 18-02-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Mithlesh Kumar Khare, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Mainatand P.S. Case No. 144 of 2020 registered for the offences punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act. He has got five criminal antecedents but in paragraph '3' only four cases are stated and is in custody since 01.10.2020.

Learned counsel for the petitioner submits that as per the prosecution story, the informant received a secret information that Sheikh Julfikar along with some miscreants are assembling for planning a crime at his Farm House. On this information, the informant along with other police officials raided the said place and on seeing the police party accused persons started fleeing but five



persons got apprehended including this petitioner on chase by the police force. On search of this petitioner, one 9 mm country-made pistol and 8 live cartridges have been recovered and from co-accused Irshad Devan one 12 bore loaded katta and 3.12 bore cartridge were recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is in custody since 01.10.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the petitioner is accused in 5 other cases but in paragraph '3' of the petition only four cases has been stated.

Having regard to the materials showing that the petitioner has been arrested with one pistol of 9 mm said to have been made in Italy, 8 live cartridges have also been recovered from his possession and he is involved in 5 other cases of serious nature (in paragraph '3' only 4 cases are stated), this Court is not inclined to release the petitioner at this stage.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

