

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45906 of 2021**

Arising Out of PS. Case No.-276 Year-2020 Thana- SAHAR District- Bhojpur

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DEO KUMAR PANDEY @ CHULLU PANDEY Son of Late Bashishth
Pandey Resident of village - Bindaul, P.S.- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra, Adv.

For the Opposite Party/s : Mrs Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 15-02-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

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

Petitioner who is in custody since 06.12.2020 seeks
regular bail in connection with Sahar P.S. Case No.276 of 2020
registered for the offence punishable under Section 25(1-b) a /26
of the arms Act.

Prosecution case in brief, is that from the possession



of the present petitioner one country made pistol with one cartridges and a mobile phone was recovered and a country-made pistol was also recovered from the possession of one co-accused Prakash Mishra.

Learned counsel appearing on behalf of the petitioner submits the other similarly situated co-accused has already been released on bail by the learned court below and the petitioner is in custody since 06.12.2020. He further submits that taking into consideration the period of custody the petitioner may be released on bail.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner and submits that petitioner is history sheeter and several cases are pending against him as stated in paragraph no.3 as well as in paragraph no.9 of the bail application and if he released it will not be in public interest and as such he do not deserves to be released on bail.

Considering the above-mentioned facts and circumstances of the case, the period of custody as well as the fact that the co-accused who associated with the petitioner has already been released on bail, the court below is directed to verify the criminal antecedent of the petitioner and if it is found



that no other case is pending against him as what has been stated in paragraph no.3 and 9, the petitioner above named, be released on bail on furnishing personal bond of Rs.2,00,000/-(Rupees Two Lacs) and produce two sureties who shall execute bond of Rs.1,00,000/- (Rupees One Lacs Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., VIth, Ara, Bhojpur in connection with Sahar P.S. Case No.276 of 2020, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) The petitioner shall make his attendance on every Saturday of the week without any single default and any reason for the said default before the local police station under whose jurisdiction the petitioner resides the SHO of the concerned police station is directed to submit the monthly



attendance of the petitioner to the Superintendent of Police
having jurisdiction till the conclusion of the trial.

(Purnendu Singh, J)

Prakash Narayan /-

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