

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46121 of 2021**

Arising Out of PS. Case No.-138 Year-2018 Thana- MAHUA District- Vaishali

PANKAJ KUMAR Son of Baiju Rai @ Vaiju Ray Resident of Village -
Bhadwas Alipur, P.S.- Mahua, Dist.- Vaishali at Hajipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shakil Ahmad Khan, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 25-02-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection with Mahua PS case no. 138 of 2018 instituted for the offences punishable under Sections 399, 402, 414/34 of Indian Penal Code and 25(1-b)a, 26, 35 of Arms Act.

The case of the prosecution in brief is that the police is stated to have received secret information that certain miscreants had assembled to commit some crime, whereafter the informant along with his police force had arrived at the alleged



place of occurrence, whereupon three miscreants were apprehended while the rest of them managed to flee away. As far as the arrested miscreants are concerned, some arms were recovered. Upon interrogation of the arrested accused persons, it transpired that some other accused persons including the petitioner herein are having complicity in the matter.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 26.06.2021. The learned counsel for the petitioner has further submitted that neither any allegation of having committed any crime has been levelled against the petitioner nor any arms or ammunition have been recovered from the possession of the petitioner.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that there is no evidence whatsoever as against the petitioner herein of having engaged in commission of any sort of crime, I deem it fit and proper to



admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahua PS case no. 138 of 2018.

(Mohit Kumar Shah, J)

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