

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63492 of 2021

Arising Out of PS. Case No.-189 Year-2021 Thana- ARWAL District- Jehanabad

ANAND PANDEY S/o Sri Parmatma Pandey R/o village- Dabariya, P.S.-
Suryapura, District- Rohtas Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-04-2022 Heard the parties through video conferencing.

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 09.07.2021, seeks regular bail in connection with Arwal P.S. Case No. 189 of 2021 dated 08.07.2021 registered for offences punishable under Sections 468, 471 of the Indian Penal Code and Section 25(1-AA)/26/35 of the Arms Act.

Prosecution story in brief is that informant Deepak S.I. of Police posted at P.S. Arwal on 08.07.2021 received secret information that a white colour car bearing Registration No. JH 01 EH-1819 loaded with arms was coming towards Jehanabad. A search was conducted and the driver of the car along with other occupant of the car were apprehended. Arms and ammunition were recovered along with a mobile phone from the possession of the petitioner. Co-accused Jay Pukar Ray was



found possessed one I.D. card of Indian Railway.

Learned counsel appearing on behalf of the petitioner submits that petitioner is the driver and he has nothing to do either with the vehicle bearing Registration No. JH 01 EH 1819 or with the arms and ammunition which have been seized by the police officials. Petitioner is in custody since 09.07.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the nature of allegation made against the petitioner as well as the period of custody undergone by the petitioner, the Court below is directed to take notice of the criminal antecedent which the petitioner has described in paragraph no. 3 of the present bail application. The Court below is also directed to give a specific finding as to whether the petitioner is one of the gangsters who is operating in the area or in this particular case whether he is anywhere related to one Jay Pukar Rai, who is the co-accused in the present case. Giving specific finding to that respect, if it is found that petitioner is not associated either with any of the gang with respect to the cases mentioned in paragraph no.3 of the present bail application or with the co-accused of the present case, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail



bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Arwal in connection with Arwal P.S. Case No. 189 of 2021 dated 08.07.2021 subject to the following conditions:

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

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

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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