

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1475 of 2022

Arising Out of PS. Case No.-351 Year-2019 Thana- BHAGWANPUR District- Vaishali

Pankaj Kumar @ Pankaj Rai S/o- Lakshman Rai R/o- Phulwariya Mirza
Nagar, P.S. - Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Alok Kumar Alok, Advocate Mr. Abhishek Bhardwaj, Advocate
For the Opposite Party/s :		Mr.Umeshanand Pandit,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bhagwanpur P.S. Case No. 351 of 2019
registered for the alleged offences under Sections 399, 402 and
414 of the Indian Penal Code and under Sections 25(1-b)a, 26
and 35 of the Arms Act.

As per prosecution case, co-accused persons were
apprehended with fire arms and ammunitions when they were
surrounded by the police on receiving secret information about
some motorcycle borne miscreants making preparation for



committing some offence. The name of the petitioner transpired during investigation as one of the accused person in this case.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The name of the petitioner transpired in the confessional statement of co-accused who stated that the petitioner and one more co-accused persons fled away from the spot on motorcycle on the arrival of the police. The petitioner is made accused in this case due to high handedness by the police and in the similar manner, he has been made accused in a number of cases in which the petitioner was not named in the F.I.R. and he has been granted bail by the learned trial court below and this High Court. Charge sheet has been submitted in this case and the petitioner is in custody since 02.06.2020.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and also considering the period of custody along with submission of charge sheet against him, the petitioner above named is directed



to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Vaishali, Hajipur in connection with Bhagwanpur P.S. Case No. 351 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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