

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4106 of 2023**

Arising Out of PS. Case No.-111 Year-2021 Thana- LAXMIPUR District- Jamui

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PINKU PANDEY S/O SHRI SHUBHANKAR PANDEY Resident of village-  
Karanpur, P.S.- Lamipur, District- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      11-07-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
25.02.2022 in connection with Laxmipur P.S. Case No. 111 of  
2021 (S.Tr. No.273 of 2022), F.I.R. dated 25.03.2021 for the  
offences punishable under Sections 399, 402 of the Indian Penal  
Code and Section 25(1-b), 26, 35 of the Arms Act.

Recovery is of one country made loaded pistol two  
cartridges from the Rickety building of rest house of irrigation  
department.

Learned counsel for the petitioner submits that  
petitioner is innocent and he has falsely been implicated in the  
present case on the basis of disclosure made by the co-accused  
namely, Bibhuti Pandey. He further submits that the allegation



against the petitioner is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that nothing incriminating article has been recovered from the possession of the petitioner and except the disclosure made by the co-accused, Bibhuti Pandey no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Bibhuti Pandey has been granted bail by a co-ordinate Bench of this Court vide order dated 28.09.2022 passed in Cr. Misc. No. 13815 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 25.02.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eleven criminal antecedents other than the present one, but fairly submits that out of eleven cases petitioner is on bail in nine cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Sessions Judge-IV, Jamui in connection with Laxmipur P.S.  
Case No. 111 of 2021 (S.Tr. No.273 of 2022), subject to the  
following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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