

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29543 of 2023

Arising Out of PS. Case No.-164 Year-2022 Thana- ASARGANJ District- Munger

PANKAJ SINGH @ BANKU SINGH Son of Late Bhuto Singh Resident of
Village-Baijalpur, PS-Asarganj, Dist-Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sevak Choudhary, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Asarganj P.S. Case No. 164 of 2022 registered for the offence
under Sections 25(1-a)/a/26(i)/35 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 26.12.2022.

4. As per FIR, on secret input, police raided the
house of this petitioner and subsequently to co-accused, namely,
Deepak Kumar, where, at first instance from the house of
petitioner, 3 country made pistol and 08 live cartridges and from
house of Deepak Kumar, one loaded country made pistol, were
alleged to be recovered.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner was not apprehended on spot, his name surfaced, on the basis of disclosure made by his wife co-accused, namely, Kalpana Devi. It is also submitted that said Kalpana Devi has already granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No.17618 of 2023 dated 08.08.2023. It is also pointed out by learned counsel that house of this petitioner occupied by other family members also and as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner, where, compliance of Section 100(4) also not appeared to be followed. It is also submitted that seizure list is also appearing doubtful, as same is not supported by independent witnesses, rather by police personnels. It is also submitted that similarly situated co-accused person, namely, Deepak Kumar, has already granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No.17618 of 2023 dated 25.05.2023. While concluding the argument, it is submitted that petitioner is man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the



State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of firearm, as alleged not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is a man of clean antecedent and in custody since 26.12.2022, let the petitioner, above named, is directed to be released on bail in connection with Asarganj P.S. Case No. 164 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Munger/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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