

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40325 of 2023**

Arising Out of PS. Case No.-275 Year-2023 Thana- SONEPUR District- Saran

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SANTOSH KUMAR PANDEY Son of Shashi Bhushan Pandey Resident of
Village-Gori Chanda, (Gori Pundah), P.S.-Fatuha, District-Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with
Sonepur P.S. Case No. 275 of 2023 registered for the offences
under sections 399 and 402 of the Indian Penal Code and
sections 25(1-b)a, 26 and 35 of the Arms Act lodged on
17.04.2023 by the informant, Vishav Mohan Ram.

The prosecution case, in brief, is that one Vishav
Mohan Ram, S.I.-cum-Officer In-charge of O.P. Pahleja gave
written report dated 16.04.2023 to the Officer In-charge of
Sonepur (Saran) PS stating therein that on 16.04.2023 at 19.30
Hrs. while he was on patrolling duty near Bajrang Chowk, in the



meantime, he got an information that one Scorpio boarded with 5 persons with arms coming towards Digha, Patna with planning to commit some crime. Upon information, he along with police reached near Check-Post where one white colour Scorpio came, but on seeing the police, all five-persons got down from the vehicle and started fleeing away but on chase, two of them apprehended while rest three were able to escape.

Therefore, in course of search, from Santosh Kumar Pandey one knife of 6" and one mobile phone was recovered and from possession of Md. Teni, one country made pistol loaded was recovered. Thereafter, upon the search of Scorpio, one knife was also recovered and then seizure list was prepared. Accordingly, the FIR.

Learned Counsel for the petitioner submits that on the sight of police everyone gets scared and tried to leave in the process, he was apprehended and recovery/seizure of knife was attributed only because he has criminal antecedent for which he has already suffered by being in custody since 17.04.2023 (as stated in paragraph 11 of the bail application) .

Learned APP for the State, on the other hand, opposes the prayer for bail stating that there is recovery/seizure of knife.

Taking into account his period of custody as also the



fact that there is recovery of knife, ultimately will have to face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned C.J.M., Sonapur, Saran in connection with Sonapur P.S. Case No. 275 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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