

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56193 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- RAJIVNAGAR District- Patna

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Pankaj Kumar @ Pankaj Sharma @ Karan @ Dharmendra Son of Late Tripti Narayan Sharma Resident of Village - Mathurapur, P.s.- Vidupur, Distt.- Vaishali (Hajipur). At present house no.24-C, Keshari Nagar, Near Sakuntala Market, P.s.- Patliputra, 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. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 12-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail who is in custody since 20.01.2022 in connection with Rajeev Nagar P.S. Case No. 34 of 2022, F.I.R. dated 20.01.2022 for the offences punishable under Sections 25(1-b)a, 26 and 35 of the Arms Act.

Recovery is of one country made loaded pistol and one live cartridge from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that one country made loaded pistol and one live cartridge



have been recovered from the conscious possession of the petitioner. He further submits that in fact, the petitioner has falsely been implicated in this case due to previous criminal antecedents of the petitioner and except this nothing has been recovered from the conscious possession of the petitioner rather the police have planted the same and shown that the recovery has been made from the petitioner. He further submits that there is non-compliance of Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 20.01.2022.

The learned Additional Public Prosecutor on the basis of counter affidavit filed by the Senior Superintendent of Police, Patna has categorically stated that the petitioner carries 28 cases including the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner has acquitted in 3 cases out of the 28 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 Chief Judicial Magistrate-III, Patna in connection



with Rajeev Nagar P.S. Case No. 34 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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