

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57656 of 2023

Arising Out of PS. Case No.-181 Year-2023 Thana- SABAUR District- Bhagalpur

Pancha Kumar @ Pancho Kumar S/O Chandar Mandal @ Chandan Kumar
R/O Village- Mamalkha (Haridaspur), P.S. Sabour, Dist. Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 31.03.2023, in connection with Sabour P.S. Case No. 181 of 2023, F.I.R. dated 31.03.2023 registered for the offences punishable under Sections 399, 402 of the Indian Penal Code.

3. According to the prosecution case, accused petitioner along with one accused Sujit Kumar were arrested at the spot and 1.315 bore live cartridge and one country made pistol and one fired cartridge were recovered from the pocket of Sujit Kumar and one black colour Star City motorcycle bearing Registration No. BRJH17L 3825 was also recovered from the possession of Sujit Kumar.

4. Learned counsel for the petitioner submits that



the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing incriminating article has been recovered from the conscious possession of the petitioner rather recovery has been made from co-accused person namely Sujit Kumar and the recovered vehicle in question belonged to the mother of Sujit Kumar. He further submits that there is non compliance of Section 100 of the Cr P.C. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 31.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 181 of 2023, 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 witness, 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 antecedents, 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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