

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67684 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Pankaj Kumar @ Ashish Kumar, Son of Siyaram Mandal, R/v- Harnathchak,
P.S.- Naugachia, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 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.

Heard Mr. Diwakar Upadhyaya, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Naugachia P.S. Case No.59 of 2022 registered for the offences punishable under Section 212 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

Allegation against the petitioner is of harbouring the criminal in his house, the police conducted a raid and apprehended the criminal Kundan Kumar Yadav, from whose possession loaded country made pistol and four cartridges, apart



from the other incriminating materials have been recovered, who is found involved in three other criminal cases.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it would be evident that no incriminating material has been recovered from the person or possession of the petitioner, rather the entire recovery has been made from the possession of co-accused Kundan Kumar Yadav, who was apprehended inside the house of the petitioner. He further submits that in fact the co-accused Kundan Kumar Yadav had variously armed entered into the house of the petitioner and he could not protest because of his notoriety. He next submits that be as it may, the petitioner is in custody since 17.08.2022 and now the investigation is complete and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is also involved in one another case of excise matter.

Regard being had to the submissions made on behalf of the parties and considering the materials available on record, especially the fact that the loaded country made pistol and cartridges have been recovered from the possession of Kundan Kumar Yadav, coupled with the period of custody of the



petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Naugachia P.S. Case No. 59 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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