

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2059 of 2023

Arising Out of PS. Case No.-269 Year-2022 Thana- ARA MUFFASIL District- Bhojpur

ATUL BIHARI PANDEY @ ATUL PANDEY @ NIKHIL PANDEY @ ATUL
BIHARI S/o Jitendra Pandey, R/o Village- Semaria, P.S.- Ara Muffasil, Distt-
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 04-05-2023 Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection
with Ara Muffasil P.S. Case No. 269 of 2022, registered for
offence punishable under Sections 25 (1-b)a, 26, 35 of the Arms
Act.

The petitioner was arrested and he disclosed that he
concealed the pistol under the ground whereby he committed
murder. At the instance of the petitioner, after cultivation of the
land, a back bag was recovered and four pistols, description
whereof mentioned in the FIR, along with cartridges were also
recovered.

The learned counsel for the petitioner has submitted



that the petitioner is innocent. Though there is some criminal antecedent against the petitioner, but he is under custody for a period of about nine months.

On the other hand, the learned APP has opposed the prayer for bail and submitted that a huge quantity of arms and ammunition were recovered at disclosure of the petitioner and he himself has stated that the arms were used in commission of murder, to which the learned counsel for the petitioner has submitted that in murder case, the petitioner is not the direct assailant.

It appears that the petitioner is a person of strong criminal antecedents and he is involved in two cases of Section 302 of the Indian Penal Code and in cases of Section 307 of the Indian Penal Code, as mentioned in paragraph no. 3 of the bail petition. As such, he does not deserve the privileges for bail, which is accordingly rejected.

(Nawneet Kumar Pandey, J)

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