

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70866 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- CHAUSA District- Madhepura

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Pankaj Kumar Muni @ Pankaj Muni S/O Sri Wakil Muni Resident of village-
Chirori, P.S.- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-04-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chausa
P.S. Case No. 38 of 2022 registered for the offence under
Sections 25 (1-b)a and 26 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.02.2022.

The allegation against the petitioner is to have in
possession of one country made loaded pistol alongwith four
live cartridges of 7.62 bore.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner named in present case only for the



suspicion arises out of his criminal antecedent, as he found involved in 17 cases. It is submitted that petitioner is on bail in 16 cases, whereas he already acquitted in Chausa P.S. Case No. 227 of 2018. It is further submitted that the alleged country made pistol and cartridges not appears to be recovered from the conscious physical possession of this petitioner, where petitioner is in custody since 23.02.2022 almost more than a year, where maximum sentence on conviction is of three years. While concluding the argument it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail in view of criminal antecedent of this petitioner.

Be that as it may, considering the facts and circumstances as mentioned above, as petitioner in custody since 23.03.2022 coupled with the fact that charge-sheet has already submitted, let the petitioner, above named, is directed to be released on bail in connection with Chausa P.S. Case No. 38 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate,



Udakishunganj, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C. with further conditions:-

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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