

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38813 of 2024

Arising Out of PS. Case No.-246 Year-2023 Thana- CHACKMEHSI District- Samastipur

Pankaj Kumar Ray @ Sonu Nigam Son of Late Khageshwar Ray Resident of
Village- Bishanpur Bathua, P.S- Pusa, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Ms. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Chakmehsi P.S. Case No. 246 of 2023 instituted for the offences
punishable under Sections 399, 402, 413, 414 and 120B of the
IPC and Sections 25(1-b)a and 26/35 of the Arms Act.

3. As per prosecution case, there has been recovery of
one country-made pistol loaded with one live cartridge,
motorcycle and one mobile from the possession of the
petitioner.

4. Learned counsel for the petitioners submitted that
the petitioner has falsely been implicated in the present case.



Charge-sheet has been submitted in this case. The petitioner has no concern with the alleged arms and cartridges, which were seized by the police. He further submitted that the recovered motorcycle from the possession of the petitioner is not a stolen property and the same belongs to the brother of the co-accused. Only on the basis of suspicion, petitioner has been implicated in the present case by the police. The provision of Section 100 of the Cr.P.C. has not been followed in this case while preparing the seizure list. The petitioner is in custody since 29.12.2023 and he has ten criminal antecedent. Other co-accused has been granted bail by this Court vide order dated 09-04-2024, passed in Cr. Misc. No. 27119 of 2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, **after framing of charge, if not already framed**, on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned



Court in connection with Chakmehsi P.S. Case No. 246 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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