

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49047 of 2024

Arising Out of PS. Case No.-106 Year-2024 Thana- MAJORGANJ District- Sitamarhi

Ujjwal Pandey @ Ujjwal Kumar Pandey @ Chhotu Pandey S/o Virendra
Pandey R/o village Marapa Sirpal PS Mejarganj Distt Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prashant Kumar, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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

ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Mejarganj P.S. Case No. 106 of 2024 instituted for the offences
under Sections 25(1-B)A, 26, 35 of the Arms Act.

3. As per prosecution case, the accused petitioner has
been arrested from the place of occurrence along with other co-
accused persons in which as per information disclosed by the
co-accused Chhotu Pandey @ Om Prakash Pandey, who was
caught from the scene of crime, a country-made pistol and two
live bullets have been recovered from his house.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged



against him and has falsely been implicated in the present case on suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence or the alleged recovery. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 29.03.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused namely Chhotu Pandey @ Om Prakash Pandey has been granted bail by this Court vide order dated 12.07.2024 passed in Cr. Misc. No. 48538 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail 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 Mejarganj P.S. Case No. 106 of 2024.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

