

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44230 of 2024

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

1. Avanish Kumar Pandey @ Gulshan Pandey Son of Narendra Pandey @ Narendra Kumar Pandey R/o village - Basbitta, Ward No.- 10, P.S.- Majorganj, District - Sitamarhi
2. Prince Kumar Pandey @ Chandan Pandey Son of Narendra Pandey @ Narendra Kumar Pandey R/o village - Basbitta, Ward No.- 10, P.S.- Majorganj, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

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

ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners seek bail in connection with
Majorganj 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 police, on receipt of
secret information, reached at the shop of Avinash Kumar
Pandey @ Gulshan Pandey (petitioner no.1) and nabbed
altogether five accused persons including the petitioners. On
interrogation, all the five accused persons confessed their
involvement in snatching on 26.3.2024. It is alleged that the Md.



Shakeel, Ujawal Pandey and petitioner no.2 informed the police that a country made pistol is in possession of co-accused Chhotu Pandey @ Om Prakash Pandey. Thereafter, the police, searched the house of Chhotu Pandey and recovered a country made pistol and two cartridges of 8mm and prepared the seizure memo.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. There is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The petitioners have no concern with the alleged occurrence or the recovered articles. The petitioner no.1 has one criminal antecedent in which final form has been submitted but, he is on bail after cognizance whereas the petitioner no.2 has no criminal antecedent as has been stated in para-3 of the present bail application and they are languishing in judicial custody since 29.03.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

6. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioners.

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 petitioners, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Majorganj P.S. Case No. 106 of 2024.

(Rudra Prakash Mishra, J)

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