

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59253 of 2024

Arising Out of PS. Case No.-295 Year-2024 Thana- BUDDHACOLONY District- Patna

Vikash Kumar Pandey @ Vikash Pandey S/o Sri Chadrashekhar Kumar
Pandey R/o Mohalla - V.I.P. Colony, Vikramganj, P.s. - Vikramganj, Distt. -
Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha
For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 09-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State, Mr. Rabindra Kumar.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 25(1-B)a,
26 and 35 of the Arms Act.
3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that on inputs provided by the STF, a *Scorpio* vehicle
near Buddha Colony police station was intercepted and four
persons were apprehended who disclosed their names as Pranay,
Mritunjay, Abhijeet and Ashish, further from Pranay a 7.65 mm
white colour loaded pistol along with 4 live cartridges and one
empty magazine and a mobile were recovered, further mobile



was also recovered from other three accused persons.

4. Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and his name transpired in the confessional statement of Mritunjay. It is also submitted that from perusal of the order impugned, it would manifest that the same records that after the name of the petitioner transpired in the confessional statement of Mritunjay, his flat was raided from where arms and ammunition were recovered. Learned counsel submits that the flat from where arms and ammunition were recovered does not belong to the petitioner. It is next submitted that during the course of investigation, it has come that the flat belongs to the owner and the owner's statement was also recorded at Para-52 of the case diary wherein he has disclosed that the flat was taken on rent by Manish when the petitioner is Vikas Kumar Pandey @ Vikas Pandey.

5. It is further submitted at the cost of repetition that petitioner is a person with clean antecedent and has been falsely implicated in the instant case based on confessional statement in police custody which does not have any evidentiary value.

6. Learned APP, Rabindra Kumar, opposes the prayer for anticipatory bail of the petitioner and submits that the input



was provided by the STF based on which the instant FIR was instituted in which four persons were apprehended and from Pranav, arms along with cartridges were recovered and the name of the petitioner transpired in the confessional statement of Mritunjay who was also apprehended from the spot. It is next submitted that in the event, if petitioner is granted the privilege of anticipatory bail, he may abscond, on which learned counsel for the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Budha Colony P.S. Case No. 295 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. One of the bailors of the petitioner shall be his father, Chadrashekhhar Kumar Pandey.

9. However, it is made clear that in the event, if the



Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

10. It is further made clear that if after investigation, charge sheet is submitted connecting the petitioner with the offence, in that event the present anticipatory bail order shall lose its effect.

11. Let a copy of this order be sent to the concerned police station through the learned trial court.

(Satyavrat Verma, J)

SUMIT/-

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

