

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67568 of 2023

Arising Out of PS. Case No.-111 Year-2021 Thana- LAXMIPUR District- Jamui

RAM RATAN PANDEY @ DADWA S/O BALMIKKI PANDEY @
BALMIKKI PANDEY R/O VILLAGE- KARAMPUR, P.S- LAXMIPUR,
DISTT.- JAMUI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha

For the Opposite Party/s : Ms.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 13-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S. Tr.
No. 273 of 2022 arising out of Laxmipur P.S. Case No. 111 of
2021 registered for the offences punishable under Sections 399,
402 of the Indian Penal Code and Sections 25(1-B)a, 26, 35 of
the Arms Act.

3. As per prosecution case, one country made pistol
and two live cartridges were recovered from the rest house of
irrigation department situated at Karanpur and co-accused
Vibhuti Pandey was apprehended on the spot and he disclosed
the name of petitioner and other who fled away from there.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has not committed any offence as alleged in the FIR. He further submits that except disclosure of co-accused Vibhuti Pandey, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. He further submits that petitioner is in custody since 04.02.2022 to 27.09.2022 and on 28.09.2022 he fled away from custody and after his arrest he has been in custody since 19.11.2022, as mentioned in the impugned order. Total period of custody undergone by the petitioner is more than 22 months. He further submits that co-accused Bibhuti Pandey has already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 13815 of 2022 and case of present petitioner stands on better footing as he is not apprehended on the spot. Petitioner bears criminal antecedent of eight cases. Learned counsel orally submits that petitioner is on bail in all the said cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Moreover, on similar and identical allegation, co-accused Pinku Pandey has also been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 4106 of 2023 and on principle of parity, petitioner also deserves bail.



5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused on similar allegation has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Jamui in connection with S. Tr. No. 273 of 2022 arising out of Laxmipur P.S. Case No. 111 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and his absence for a single date without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

shahzad/-

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

