

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6260 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- CIVIL LINE District- Gaya

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Ramjee Pandey @ Ramjeet Pandey @ Ramji Thakur Son of Late Baikunth Thakur Resident of Mohalla- Dakhin Darwaja, P.S.- Vishnupad, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Civil Lines P.S. Case No. 122 of 2024 instituted for the offences under Sections 25(1-b)a, 26, 35 of the Arms Act.

3. This is the second attempt with a prayer for bail. Earlier, the petitioner has moved before this Court with a prayer for bail which was dismissed as withdrawn vide order dated 26.10.2024 passed in Cr. Misc. No. 54930 of 2024.

4. As per prosecution case, the accusation against the accused persons including the petitioner is of being involved in committing murder of the deceased. It is also alleged that the police has recovered one country-made pistol and five live



cartridges from the possession of the co-accused Chandan Yadav.

5. 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. The petitioner was neither apprehended at the spot nor anything incriminating has been recovered from his conscious possession. He further submits that co-accused Chandan Yadav was apprehended by the police and, on search, a country made pistol and few live cartridges were recovered from his possession and, on the basis of the confessional statement of co-accused Chandan Yadav, the name of the petitioner has transpired in this case. Except confessional statement, there is nothing against the petitioner. There is no eye-witness to the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has five criminal antecedents and is languishing in judicial custody since 02.04.2024 without any rhymes or reason. Charge-sheet has been submitted in this case and the charge has also been framed.

6. Learned counsel for the petitioner again submits that the co-accused namely Chandan Yadav has been granted



bail by this Court vide order dated 17.01.2025 passed in Cr. Misc. No. 2081 of 2025.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature and arms and ammunition have been recovered from the co-accused Chandan Yadav on whose confessional statement, the name of the petitioner has transpired in this case.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioner, there being no recovery of arms and ammunition from the possession of the petitioner as also the prayer for bail being based on parity, 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 Civil Lines P.S. Case No. 122 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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