

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27122 of 2025

Arising Out of PS. Case No.-92 Year-2024 Thana- ALAMGANJ District- Patna

Pankaj Kumar S/O Ashok Mahto Resident of Mohalla- Math Laxmanpur,
Koiritola, P.S.- Alamganj, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Alamganj P.S. Case No. 92 of 2024 , registered for the offences under Sections 25(1-b)(1), 26 of the Arms Act.

3. As per the prosecution case, on the basis of confessional statement of petitioner who was apprehended in Rupaspur P.S. Case No. 984 of 2023, a raiding party was formed. When the room of the petitioner was searched in his tenanted accommodation, from a lady's purse, a country made pistol with magazine and 10 live cartridges were recovered.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been



recovered from person or possession of the petitioner or even at his instance. Once the petitioner was apprehended in Rupaspur P.S. Case No. 984 of 2023, he was in police custody and recovery in the instant case becomes suspect. When the police did not find anything in the case of Rupaspur P.S. Case No. 984 of 2023, they planted the firearm and showed its recovery. The person who opened the door of the house from where recovery has been made has not been made accused. The petitioner could not be fastened with the liability of the said recovery as petitioner was already in police custody. There is no independent witness to search and seizure. Learned counsel further submits that petitioner was in custody in Rupaspur P.S. Case No. 984 of 2023 but the remand was not sought by the investigating officer, and the remand was sought after more than a year. Learned counsel further submits that petitioner is in custody since 25.01.2025 and charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail, on



furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Patna City/concerned court, in connection with Alamganj P.S. Case No. 92 of 2024, subject to the condition laid down under Section 480(3) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Anuradha/-

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

