

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34529 of 2025

Arising out of PS. Case No.-292 Year-2024 Thana- PALIGANJ District- Patna

Adarsh Kumar @ Chintu Pandey @ Chintu Kumar @ Adarsh Pandey, S/o
Vinoda Nand Pandey R/o Village- Kodihara, P.S.- Khiri More, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Advocate
For the Opposite Party/s: Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 103, 61(2) read with Section 3(5) of the BNS and Section 27 of the Arms Act. He has four criminal antecedents.

3. As per the prosecution story in short is that on the basis of a written complaint, it is alleged that co-accused Chintu Pandey took away the informant's younger brother, namely, Ravi Kumar in the name of some work and when his brother did not return and his mobile was found to be switched off, then informant Abhay Sharma proceeded on way to Bhagjoga Canal,



where he saw that his brother was surrounded by Ajit Kumar Sharma, Amrendra Kumar and two unknown persons. It is further alleged that the accused Ajit Kumar Sharma and his brother Amrendra Kumar shot from the pistol in their hands at informant's brother and they also tried to kill the informant, but he narrowly escaped.

4. It is submitted by learned counsel for the petitioner that though the petitioner is named in the FIR, however, there is no specific allegation of overt act against the petitioner. It is further submitted that very factum of the informant claiming him to be an eyewitness seems to be disputed. It is also submitted by learned counsel for the petitioner that the allegation of firing upon the brother of the informant by pistol is also falsified. It is next submitted by learned counsel for the petitioner that from the perusal of the post-mortem report which states that "death is due to cranio-cerebral injury caused by rifle firearm (Projectile-bullet) injury to the head". It is lastly submitted by learned counsel for the petitioner that the petitioner has four criminal antecedents and he is in custody since 25.07.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner is named in the FIR and he was



among the accused persons who had fired upon the brother of the informant who subsequently died as such the petitioner should not be granted liberty of bail.

6. Considering the aforesaid submissions of learned counsel and taking into account the fact that there is no specific overt act alleged against the petitioner and the petitioner is in custody since 25.07.2024, the petitioner above named, is directed to 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 the learned Additional Sessions Judge-II, Danapur, Patna in connection with Paliganj P.S. Case No. 292 of 2024 (S.Tr. No. 68 of 2025), subject to the the 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 two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Patna within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Su-



perintendent of Police, a certificate will be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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