

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41689 of 2025**

Arising Out of PS. Case No.-291 Year-2020 Thana- GAYA MUFASIL District- Gaya

Shashi Kumar Pandey @ Shashi Pandey @ Baba S/O Braj Kishore Pandey
Resident of Village- Janakpur, PS- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 16-07-2025 Heard Mr. Avanish Kumar Singh, learned counsel
for the petitioner and Mr. Dinesh Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Muffasil P.S. Case No. 291 of 2020, F.I.R. dated 08.08.2020 for the offences punishable under Sections 399 and 402 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. According to prosecution case, the informant got secret information that all the accused persons including this petitioner were planning to commit dacoity and when the informant along with his senior officers and armed forces surrounded the house then all the accused persons tried to fled away but all other accused persons were apprehended and this



petitioner managed to escape from the place of occurrence. On search, one country made katta loaded with one live cartridge and mobile phones were recovered from the possession of the apprehended accused persons.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of the disclosure made by the apprehended co-accused, namely, Shubham Kumar @ Lefty Yadav. As per the allegation in the FIR, the petitioner has fled away from the place of occurrence and except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the pending case has been closed by the prosecution.

6. Considering the aforesaid facts and circumstances that the name of the petitioner has been transpired on the basis of the disclosure made by the apprehended co-accused and except the aforesaid, no other material has come during



investigation against this petitioner, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Muffasil P.S. Case No. 291 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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 or in the name of verification.

(Rajesh Kumar Verma, J)

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