

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74085 of 2025

Arising Out of PS. Case No.-412 Year-2023 Thana- RAMGARHWA District- East
Champaran

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Chanchal Pandey @ Chanchan Pandey S/o Late Gena Lal Pandey @ Genanad
Pandey Resident of Village - Sripur Belwadih, P.S. - Chhauradano, District -
East Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Ramgarhwa P.S. Case No. 412 of 2023
registered for the offences punishable under Sections 399 and
402 of the I.P.C. and Section 25(1-b)a, 26 and 35 of the Arms
Act.

3. As per prosecution case, some miscreants have
been assembled near Champapur Motihar Canal Road and
they were planning for loot. On the said information,
informant along with police official arrived on the spot and
found that five to six miscreants are standing there with three



motorcycles, who tried to flee away but the police apprehended three of them at the place of occurrence namely, Bhulan Mahto, Gajendra Kushwaha and Kishori Kushwaha and they disclosed the the name of the persons, who succeeded in fleeing away as Chanchal Pandey (petitioner) and others. On search, one country-made pistol and two live cartridges were recovered from co-accused Gajendra Kushwaha, one loaded country-made pistol and one live cartridge and Rs. 500/- cash were recovered from co-accused Kishori Kushwaha and one knief and Rs. 300/- cash were recovered from co-accused Bhulan Mahto.

4. Learned counsel for the petitioner submits that petitioner was not apprehended on spot nor any incriminating articles were recovered from his conscious possession. Except disclosure of apprehended co-accused there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that the search and seizure list was not made in accordance with law, which is complete violation of Section 100(4)(6) of Cr.P.C. The petitioner bears four criminal antecedents in which he is already on bail. On account of four criminal cases he has been falsely implicated in the present case. It has been orally submitted that petitioner



will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is F.I.R. named accused. Hence, petitioner cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Raxaul, East Champaran in connection with Ramgarhwa P.S. Case No. 412 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving



assurance to this Court is not co-operating in the investigation,
in that event, the learned trial court shall be at liberty to cancel
the bail bond of the petitioner.

(Alok Kumar Pandey, J)

Nilmani/-

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