

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6561 of 2016

Arising Out of PS. Case No. -151 Year- 2014 Thana -MADHUBAN District- EASTCHAMPARAN
(MOTIHARI)

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Rakesh Sahani Son of Late Kapildeo Sahani, resident of village -
Budhauriya, Police Station -Madhuban, District - East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anil Kumar, Advocate

For the Opposite Party : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 11-04-2016 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 395 of the Indian Penal Code and Section
25(1-B) and 26 of the Arms Act registered in connection with
Madhuban P.S. Case No. 151 of 2014.

3. It is submitted that the petitioner has been falsely
implicated being the only person named in the first information
report when it is alleged that there were 15-20 accused persons,
who committed the alleged offence. It is further submitted that
even according to the seizure list, the country made pistol was
submitted to the police by the informant himself and the same was
not recovered from the petitioner's possession.

4. Learned APP for the State appears and has been

heard.

5. Having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of Sri D. Kumar, learned Judicial Magistrate, Ist Class, Sikarahana at Dhaka, East Champaran in connection with Madhuban P.S. Case No. 151 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:-

(i) The petitioner shall cooperate with the investigation and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(ii) The petitioner shall remain physically present on each and every date during trial and in the event of failure on two consecutive dates, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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