

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48296 of 2017

Arising Out of PS.Case No. -172 Year- 2017 Thana -SUGAULI District-
EASTCHAMPARAN(MOTIHARI)

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1. Lav Kush Sahani, S/o Amiri Sahani,
2. Amiri Sahani @ Amiri Lal Sahani S/o Motilal Sahani, Both R/o Village-
Dumara, P.S.- Sugauli , District- E. Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 01-11-2017

Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Sugauli P.S. Case No.
172 of 2017 instituted for the offence under Sections-25(i-b)a, 26 & 35
of the Arms Act.

It is alleged in the written report by the informant who is
Police Officer that he received information that these petitioners with
other accused persons are assaulting Khushboo Kumari in the house.
The informant reached in the house and recovered one gun. It is further
alleged that Khushboo Kumari told that petitioner No, 2 Amiri Sahani
is a man of criminal antecedent. It is also alleged that one person was
arrested who disclosed his name as Vijay Sahani. He told that the gun
has been brought by his brother, Amiri Sahani. The petitioner has
annexed the report of Sergeant Major (Annexure-3) wherein it is



mentioned that the aforesaid gun was neither effective nor in working condition. Counsel for the petitioners has submitted that petitioner Nos. 1 and 2 are husband and father-in-law of Khushboo Kumari. They have falsely been implicated in this case due to family dispute.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Sugauli P.S. Case No. 172 of 2017 to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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