

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43201 of 2017

Arising Out of PS.Case No. -7 Year- 2017 Thana -BIBHUTIPUR District- SAMASTIPUR

=====

1. Shambhu Sahani S/o Baue Lal Sahni @ Baue Lala Sahni, Resident of
Village- Nanpur, P.S.- Teghra, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Chaubey Jawahar

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 08-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
21.01.2017 in connection with Bibhutipur P.S. Case No. 07/2017
for offences punishable under Section 414 of the Indian Penal
Code and Section 25(1-b) a/26/35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on information that some persons have
assembled, who are accused in murder of one Braj Kishore
Brajesh, the police apprehended many persons including the
petitioner. Petitioner was apprehended with one country-made
loaded pistol with two live cartridges. Others were apprehended
with carbine, arms and ammunitions.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner. He further submits that one of the co-accused from whose possession carbine was found, has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 36994 of 2017 on 30.08.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is made accused in as many as seven cases some of similar nature and some of more serious nature.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-IVth, Rosera, Samastipur, in connection with Bibhutipur P.S. Case No. 07/2017, subject to the following conditions :

- (i) One of the bailors shall be a local person having sufficient immovable property within the jurisdiction of the court concerned.



- (ii) Petitioner shall appear before the police station concerned in the first week of every month and mark his attendance till disposal of case, failing which his bail bond shall be cancelled.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--

