

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28271 of 2017

Arising Out of PS.Case No. -49 Year- 2017 Thana -BELDAUR District- KHAGARIA

=====

1. Deepak Sahni Son of Late Laxmi Sahni, Resident of Village- Dumari,
P.S.- Beldaur, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bishweshwar Ram

For the Opposite Party/s : Mr. Nityanand

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 12-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
11.03.2017 in connection with Beldaur P.S. Case No. 49/2017 for
offences punishable under Sections 353, 307, 34 of the Indian
Penal Code, 25(1-B) A, 26, 27, 35 of the Arms Act and Section
37(a)(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that some miscreants are
present near mobile tower in the orchard of one Jaidhar Singh, the
police raided the place and apprehended the petitioner while one
other managed to flee away. The petitioner was smelling of



alcohol and from the possession of the petitioner one rifle and two live cartridges was recovered. Allegation is that the other co-accused opened fire on the police. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, no overt act has been committed and he has been falsely implicated in the aforesaid case. He submits that Section 307 of the Indian Penal Code is not applicable and just because he is accused in one other case, he has been made accused in the present case. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and was involved in an offence of similar nature earlier.

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. Sessions Judge-3rd, Khagaria, in connection with Beldaur



P.S. Case No. 49/2017, subject to the condition that both the bailors would be close relatives of the petitioner and if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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

