

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21837 of 2019

Arising Out of P.S. Case No.-189 Year-2018 Thana- SANGRAMPUR District- East
Champanan

MUNNA SAHANI @ MANOHAR SAHANI, aged about 25 years (male),
Son of Sudama Sahani Resident of Village - Bhataha, P.S.- Muffasil, Distt -
East Champanan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
05.11.2018 in connection with Sangrampur P.S.Case No.189 of
2018 for the offence alleged under Sections 25(1-b)A, 26 and 35
of the Arms Act.

The prosecution case as lodged by the police
personnel is that on patrolling duty, they intercepted a
motorcycle while the driver managed to flee away, the petitioner
was apprehended. On search from his possession, one country
made pistol and two live cartridges were recovered who
revealed the name of his associates who were planning to



commit crime. Accordingly, a seizure list was prepared.

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 no overt-act has been committed by the petitioner and chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence or witnesses. Petitioner is languishing in judicial custody since more than five months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent as two more cases are pending against him.

Considering the nature of allegations, the period of custody and that chargesheet has already been submitted, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Sangrampur P.S.Case No.189 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate-14, Motihari, East Champaran, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.



(ii) 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)

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