

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.26180 of 2019

Arising Out of PS. Case No.-406 Year-2018 Thana- RAJNAGAR District- Madhubani

PRABHU SAHANI, aged about 50 years, Son of Late Ghuran Sahani
Resident of Village- Bhatsimar Nizamat, P.S.- Rajnagar, District- Madhubani
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Adv.
For the Opposite Party : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-05-2019 Heard the learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since 07.03.2019 in connection with Rajnagar P.S. Case No. 406 of 2018 (G.R. No. 1980 of 2018) for the offences alleged under Sections 413 and 414 of the Indian Penal Code, under Sections 25(1-b)A and 26 of the Arms Act and under Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police personnel, is that during patrolling duty the petitioner riding on the motorcycle was apprehended. He was found in an intoxicated condition and on search a country made pistol and one live cartridges was recovered from his possession. Even the motorcycle was found to be a stolen one. 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. Petitioner undertakes to cooperate in investigation and not to tamper with the prosecution evidence.



However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case of similar nature is pending against him.

Considering the nature of allegations and the materials on record, let the petitioner, above named, be released on bail, **on completion of investigation**, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Rajnagar P.S. Case No. 406 of 2018 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise Act, Madhubani, or the successor Court, 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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