

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.18354 of 2020**

Arising Out of PS. Case No.-99 Year-2019 Thana- MOTIPUR District- Muzaffarpur

KAILASH SAHANI S/o Lakhan Sahni R/o village- Kothiya, P.S.- Kanti,  
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH  
ORAL ORDER**

3      06-07-2020              The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID-19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Uma Shankar Prasad Singh, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 506 of 2019 arising out of Motipur P.S. Case No. 99 of 2019 for the offence punishable under Sections 413 and 414 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The case of the prosecution in brief is that the police officials had led a trap upon receipt of secret information about stolen Bolero pick up van having been seen coming from



the side of Motipur whereafter the said Bolero pick up van was apprehended and the petitioner and one other co-accused person were arrested and upon search, one loaded arm was recovered from the person of the petitioner. It is further alleged that no document regarding vehicle could be produced.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and it is apparent from the FIR that one other case bearing Motipur P.S. Case No. 97 of 2019 dated 03.03.2019 had been registered under Section 392 of the Indian Penal Code regarding the Bolero pick up van in question being looted by unknown miscreants and the petitioner has been remanded in the said case as well, after being arrested in the present case, hence before being arrested in the present case, the petitioner was having a clean antecedent. It is further submitted that the petitioner is languishing in custody since 05.03.2019 and similarly situated co-accused person has already been granted regular bail by a coordinate Bench of this Court vide order dated 17.10.2019 passed in Criminal Misc. No. 61863 of 2019. Lastly, it is submitted that there is no compliance of Section 100 Cr.P.C. in preparation of the seizure list, hence the entire seizure is illegal and void.



Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail by a coordinate Bench of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released 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 1<sup>st</sup> Additional Sessions Judge, Muzaffarpur in Sessions Trial No. 506 of 2019 arising out of Motipur P.S. Case No. 99 of 2019.

**(Mohit Kumar Shah, J)**

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