

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18508 of 2020

Arising Out of PS. Case No.-300 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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BINOD SAHANI S/o Raghunath Sahani Resident of Village- Madhubani
Ghat, P.S.- Muffasil, Distt- East Champaran. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-07-2020 This case has been heard through video-
conferencing.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 399, 402 & 411 of the Indian
Penal Code and Section 25 (1-b)a, 26 and 35 of the Arms Act.

On the tip-off when the police reached at hospital
chawk, five persons standing there with two motorcycles seeing
the police party they managed to escape. However, one person
was apprehended and on search one loaded country made pistol,
one live cartridge, mobile and Rs.10,000/- was recovered from
his possession. The apprehended accused disclosed the name of
the petitioner as one of his fleeing accomplices.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. He has been falsely implicated in this case. The petitioner is neither named in the F.I.R. nor he was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather omnibus. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of Nand Kishore Sahani which has no evidentiary value in the eye of law. The said co-accused, namely, Nand Kishore Sahni has been enlarged on bail by this court vide order dated 28.11.2019 passed in Cr. Misc. No. 77613 of 2019 on completion of six months in custody. The petitioner has been languishing in custody since 22.11.2019.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Muffasil P.S. Case No.300 of 2019.

(Anjani Kumar Sharan, J)

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