

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous Case No.18524 of 2020

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Om Prakash Sahni @Dahaur Sahni, aged about 42 years (male), son of Late
Ram Ratan Sahni, resident of village- Tataila, P.S. Kamtaul District- Darbhanga

..... Petitioner

Versus

The State of Bihar

..... Opposite party

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Appearance

For the petitioner : Mr. Ritwaj Raman, Adv.

For the State : Mr. Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

2 04.05.2020 Heard learned counsel for the petitioner and learned A.P.P
for the State, through video conferencing.

The petitioner has filed the instant application for grant of
bail in connection with Laheriasarai P.S. Case no.347 of 2017
registered for offence under section 414 of the Indian Penal Code
and sections 25 (1-B)(a) and 35 of the Arms Act.

As per allegation in the F.I.R., on secret information having
been received that Angad Kumar Mahto had illegal arms in his
possession, a raid was conducted and the said accused as also his
house were searched in presence of two independent witnesses
and an automatic pistol without any ammunition was found in
his almirah. He disclosed that he had purchased the same from

the petitioner and that he would receive the ammunition in a week. A pulsar motorcycle was also found near the door. The same appeared to be stolen and no documents were shown by Angad Kumar Mahto. A seizure list was prepared and F.I.R. was registered against Angad Kumar Mahto as also the petitioner who is said to have sold the illegal arms to Angad Kumar Mahto.

Learned counsel for the petitioner submits that except for the statement of an accused made before police, there is no other material against him. No recovery of any incriminating article has taken place from his possession and the accused Angad Kumar Mahto from whose house the pistol and the motorcycle are said to have been recovered has been enlarged on bail vide order dated 9.2.2018 passed in Cr. Misc. no. 2391 of 2018. The petitioner is in custody since 29.1.2020. It is submitted that an I.A. no. 1 of 2020 has also been filed through email praying therein for grant of bail on the ground of illness of the wife of the petitioner.

The application for bail was opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the fact that no incriminating article has been recovered from the possession of the petitioner, there is no other material against him except the statement of the co-accused made before the police, the petitioner already having been granted bail in the two cases pending against him and grant of bail to the co-accused Angad Kumar Mahto, this Court is inclined to grant bail to the petitioner in the instant case. As such, no separate order

needs to be passed in I.A. no.1 of 2020.

In the facts and circumstances of the case, the petitioner is directed to be enlarged on bail in connection with Laheriasarai P.S. Case no.347 of 2017 on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga.

(Partha Sarthy, J)

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