

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19716 of 2020

Arising Out of PS. Case No.-813 Year-2019 Thana- KOTWALI District- Patna

DEEPU SAHNI S/o Hari Om Sahni R/o Barf Kothi Karbigahiya, P.S.-
Jakkanpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Jiban Pd. Singh, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-08-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Kotwali P.S. Case No.813 of 2019 registered under Sections 399, 401, 402, 414, 120B of the IPC and under Sections 25(1-b)a, 26 and 35 of the Arms Act.

The informant after having received secret inputs that many criminals had assembled near Kidwaipuri and they were making plan for snatching passersby. On such, a raid was conducted and the police saw 5-6 persons sitting there but seeing the police three persons started running towards Income Tax Golamber. All three persons, namely, Birendra Kumar Yadav, Md. Isha and Ankur Raj were apprehended. On being chased, petitioner was also apprehended and from his possession a country made pistol along with two live cartridges was recovered.



Learned counsel for the petitioner submits that the petitioner is innocent and he has in fact committed no offence. Nothing has been recovered from possession of the petitioner. The police transplanted the firearms and falsely showed the recovery of firearm from possession of the petitioner. It is further submitted that the brother of the petitioner has stated in para 3 of the bail petition that the petitioner has got no criminal antecedent but on the basis of confession of the petitioner, the informant disclosed in the F.I.R. itself that the petitioner is accused in ten other criminal cases. All criminal cases were registered under Section 379 and other sections of the I.P.C. It is further submitted that the petitioner is in jail since 06.09.2019 and the petitioner has remained in jail for about a year. The other accused persons have already been granted bail.

Learned A.P.P., however, opposed the prayer for bail and submitted that the petitioner has got criminal antecedent.

Perused the records. It appears that the petitioner was apprehended and one country made pistol along with two live cartridges was recovered from possession of the petitioner but the brother of the petitioner, who has sworn the affidavit, has stated that the petitioner has got no criminal antecedent. It is further stated that the informant forcibly obtained confessional



statement of the petitioner and got it mentioned that the petitioner is accused in ten other criminal cases but in fact no other criminal cases are pending against the petitioner. The petitioner is in jail since 06.09.2019 and the petitioner has already remained in jail for about a year.

Having considered the facts aforesaid, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/-(rupees ten thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Patna in connection with Kotwali P.S. Case No.813 of 2019.

(Prabhat Kumar Jha, J)

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