

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27899 of 2020

Arising Out of PS. Case No.-732 Year-2019 Thana- SARAIYA District- Muzaffarpur

Bijendra Sahni @ Birju Sahni, S/o Harendra Sahni, R/o Village- Basantpur
Patti, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh-1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-11-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Mr.Anil Kumar Singh-1, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

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

The petitioner seeks bail in connection with



Saraiya P.S. Case No.732 of 2019 registered for the offence punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

For alleged recovery of one loaded pistol and live cartridge, it is submitted by the petitioner's counsel that the petitioner is in custody for almost a year, i.e., since 03.11.2019. It is submitted that the petitioner has falsely been implicated in this case. Recovery is denied and disputed and it is submitted that there is no compliance with the mandatory procedure under the Cr.P.C. for the recovery in question. Out of two cases pending against the petitioner from before, in one case i.e., Saraiya P.S. Case No.3 of 2018, he is already on bail.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 the learned Additional Chief Judicial Magistrate-1st, West Muzaffarpur, in connection with Saraiya P.S. Case No.732 of 2019, subject to the following



conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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