

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11637 of 2021

Arising Out of PS. Case No.-236 Year-2019 Thana- MAHNAR District- Vaishali

Vijay Sahani @ Raja Sahani S/O Ram Dhani Sahani @ Ramdhani Sahni, R/O
Village-Dih Buchauli, P.S-Jandaha, District-Vaishali. Petitioner/s
Versus

1. The State of Bihar
2. Md. Safir Alam, Assistant Station House Officer, P.S-Jandaha, District-Vaishali.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan
For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the offence punishable under Sections 353, 307 and 414/34 of the Indian Penal Code, Sections 25(1-b)a, 26, 27 and 35 of the Arms Act, Sections 10, 11, 13, 17 and 18 of the U.A.P. Act.

Allegation against the petitioner is that the police was recovered one country made pistol, six live cartridges and one fired cell from the conscious possession of the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner. On the basis of confessional statement of co-accused, the petitioner has been made accused



in this case. There is no incriminating articles was recovered from the conscious possession of the petitioner. The petitioner is languishing in judicial custody since 19.11.2019. The petitioner has got 03 criminal antecedents which is mentioned in para 3 of the bail petition. The similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court.

Learned APP for the State vehemently opposed the prayer for bail application and submits that the petitioner was sitting on the motorcycle alongwith the co-accused Md. Aijaj who has been apprehended by the police and country made pistol and six live cartridges has been recovered from the co-accused Md. Aijaj and he revealed his name that other persons sitting on motorcycle alongwith him was the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Mahnar P.S. Case No. 236/2019 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving



genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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