

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19520 of 2021**

Arising Out of PS. Case No.-435 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

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SUDHIR SAHANI SON OF BHARAT SAHANI RESIDENT OF VILLAGE
MACHHAHA PS MUFFASIL MOTIHARI DIST EAST CHAMPARAN
PARSAN Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate
For the Opposite Party/s : Mr. Arun Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-07-2021 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Arun
Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Muffasil P.S. Case No. 435 of 2020 registered for
the offences punishable under Sections 414/34 of the Indian Penal
Code and Sections 25(1-b)a, 26/35 of the Arms Act.

Learned counsel for the petitioner submits that as per the
prosecution story, the police recovered two live cartridges from the
house of the petitioner on raid being conducted by the informant on
the basis of statement given by apprehended accused Sandeep Kumar
from whose possession one loaded pistol and one cartridge were
recovered.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted name of the petitioner has transpired in the statement of apprehended accused and allegedly two live cartridges have been recovered from his house. The petitioner is in custody since 23.12.2020. The petitioner is accused in one case in which he is on bail. It is further submitted that co-accused Sandeep Kumar has been granted privilege of bail vide Cr. Misc. No. 10046 of 2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that name of the petitioner has transpired in the confessional statement of the co-accused Sandeep Kumar, from the house of the petitioner two live cartridges have been recovered, however, the petitioner has remained in jail in connection with this case since 23.12.2020, he has got one criminal antecedent but in the said case he is on bail, further submission that co-accused Sandeep Kumar has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 10046 of 2021, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Muffasil Motihari P.S. Case No. 435 of 2020,



subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

