

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25318 of 2021

Arising Out of PS. Case No.-369 Year-2020 Thana- KUDHNI District- Muzaffarpur

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DHIRAJ KUMAR SON OF SURESH SAHNI RESIDENT OF VILLAGE-
IMATPUR, RAGHUNATHPUR, POLICE STATION- BHAGWANPUR,
DISTRICT-VAISHALI. AT PRESENT VILLAGE/MOHALLA- TURKI
BAZAR O.P. TURKI, POLICE STATION- KURHANI, DISTRICT-
MUZAFFARPUR

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

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Appearance :

For the Petitioner	:	Mr. Vijay Kumar @ Vijay Kr. Singh, Advocate.
For the State	:	Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 06-12-2021 The applicant/accused in Crime No.369 of 2020 registered with Police Station-Kurhani for the offences punishable under Sections 413, 414, 467, 468, 419, 420 read with Section 34 of the Indian Penal Code as well as under Sections 25(1-b)a, 26 and 35 of the Arms Act, by this application is seeking his release on bail during the pendency of the trial.

It is reported that the charge-sheet has already been filed.

Heard the learned counsel appearing for the applicant/accused. By taking me through the F.I.R., he argued that there is no legal evidence to connect the applicant in the crime in question and his name is surfaced on the basis of the several



confessional statements made by several accused to the police officer.

Learned Additional Public Prosecutor opposed the application by contending that the offence is serious.

I have considered the submissions so advanced and also perused the materials placed before me.

First informant Arvind Prasad, P.S.O. Muzaffarpur, had received the secret information to the effect that a criminal named Maksudan Sahni is having a stolen motorcycle of Super Splender make. He therefore raided the house of Maksudan Sahni. The said accused informed him about co-accused Sunny Kumar alias Rajo Singer, Divanshi Kumar as well as Abhinandan Sahi and stated that they had given that motorcycle to him. The Investigating Officer then tracked those accused on the basis of the confessional statement of Maksudan Sahni. Those accused in their turn disclosed the name of the applicant. That is how, according to the prosecution case, one country made firearm came to be seized from the applicant.

The investigation of the crime in question is already over. The application is containing the statement that the applicant is not having any criminal antecedent. Hence, his pretrial detention is not warranted. Therefore, the following order:



(i). The application is allowed.

(ii). The applicant/accused in Crime No.369 of 2020 registered with Police Station-Kurhani for the offences punishable under Sections 413, 414, 467, 468, 419, 420 read with Section 34 of the Indian Penal Code as well as under Sections 25(1-b)a, 26 and 35 of the Arms Act, be released on bail on executing P.R. bond of Rs.10000/-(Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.



The applicant to remove all office objections forthwith and the Registry to issue bail-writ as per this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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