

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4551 of 2021

Arising Out of PS. Case No.-300 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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MANOHAR SAHANI SON OF SUDAMA SAHANI RESIDENT OF
VILLAGE-BHATAHA, P.S- MUFFASSIL MOTIHARI, DISTRICT-EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Advocate

For the Opposite Party/s : Ms. Rina Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-06-2021 . In view of sudden surge of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

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

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

Petitioner seeks bail in Motihari Muffassil PS Case No. 300 of 2019 registered under Sections 399, 402, 411 of the IPC and Sections 25(1-b)a, 26, 35 of the Arms Act.

One country made pistol with two cartridges, mobile phone and some cash were recovered from co-accused Nand Kishore Sahni. Three others have allegedly fled away. The petitioner has been named as one of those who fled away.

It is submitted by petitioner's Counsel that upon his custody in Muffassil PS Case No. 440 of 20-19, the petitioner has been remanded in this case on 16.10.2019. His implication is on the statement of the apprehended co-accused Nand Kishore Sahani, from whom there was recovery and who has been granted bail in Cr. Misc.



No. 77613 of 2019. The implication based on confessional statement of co-accused cannot be made basis of petitioner's continued custody as the same has no evidentiary value. Other than Muffassil PS Case No. 440 of 2019, the petitioner is on bail in the other cases mentioned in para 3 of the petition.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Motihari, East Champaran in Motihari Muffassil PS Case No. 300 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.

(Madhuresh Prasad, J)

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