

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.2179 of 2021**

Arising Out of PS. Case No.-267 Year-2020 Thana- MADHUBAN District- East Champaran

RAJESH SAHANI, S/o Late Suraj Sahani, R/o Village- Sirha, P.S.-
Pakadidayal, District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, A.P.P.

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

5 16-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Madhuban P.S. Case No. 267 of 2020 registered for the offence punishable under Section s 399, 402 of the Indian Penal Code and Sections 25(1-b) a, 25(1-A) 26A, 35, 36 of the Arms Act.

As per the prosecution story when the Police raided the place in question, 5-6 miscreants who were holding weapons and Jhola in their hands started fleeing away but on chase two



miscreants were apprehended by the Police. This petitioner was apprehended on the spot with co-accused Pappu Sahani. From the possession of this petitioner one country made rifle, barrel of country made gun in two pieces, one country made Kutta, one piece of half part of country made gun, some instruments to prepare country made gun, seven live cartridges of rifle, one cartridge of gun, two mobiles, two daggers and a motorcycle with a mobile phone were recovered.

Learned counsel for the petitioner submits that in fact the recovery were not made from the possession of the petitioner. From the F.I.R. itself it is clear that some more persons were there who had fled away seeing the Police party. It is the submission of petitioner that those who were fled away had from the alleged arms which have been shown recovered from the possession of the petitioner.

On the other hand, Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that huge quantity of arms and ammunitions and the instruments which are used in repair of the arms have been found from the possession of the petitioner, thus, considering the seriousness of offence and the materials on the record, the petitioner does not deserve privilege of bail.



Considering the facts and circumstances of the case and on finding that as per allegation huge quantity of arms and ammunitions have been recovered from the possession of the petitioner in presence of two independent witnesses and the petitioner is in jail only since 07.09.2020, considering the gravity of offence alleged and the materials before this Court, the petitioner does not deserve privilege of bail at this stage. The prayer for bail of the petitioner is, thus, refused.

Let the trial be expedited.

The trial court is directed to proceed with the trial as early as possible and all endeavours be made to conclude the trial within one year from the date of start of normal functioning of the court. If the trial remains unconcluded within the aforesaid period for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(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'.

