

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4405 of 2022

Arising Out of PS. Case No.-318 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Gennalal Sahani Son of Kodai Sahani Resident of Village - Akauna, P.s.-
Chiraiya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Muffasil
P.S. Case No. 318 of 2021 registered for the offence under
Sections 412, 413, 414, 467, 468, 120(B) of the I.P.C. and 25(1-
b), a, 26, 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.06.2021.

The allegation against the petitioner is to have in
possession of one country made loaded pistol and also found in



possession of stolen motorcycle, where engine and chasis number were erased to conceal identification.

Learned counsel appearing on behalf of the petitioner submitted that the alleged motorcycle was recovered from joint possession of petitioner and, as such, it cannot be said to be recovered from his conscious physical possession. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and also considering the custody period, where petitioner is in custody since 22.06.2021 coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Muffasil P.S. Case No. 318 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran/concerned court, subject to the following conditions:

*“(i)That petitioner shall not involve
in the similar nature of offence till the*



conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Kodai Sahani, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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