

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13385 of 2022

Arising Out of PS. Case No.-132 Year-2021 Thana- MATIHANI District- Begusarai

Rajesh Kumar Sahani Son of - Rambalak Sahni Resident of Ward No. 28,
Lohiya Nagar, P.S.- Town, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 06-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Pritish Kumar Lal, learned counsel for the petitioner and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Matihani P. S. Case No. 132 of 2021 registered for the offences punishable under Sections 25 (1-B)A, 26 and 35 of the Arms Act.

As per the prosecution case, it is alleged that the Police, on a secret information, that Amarjeet Kuamr and Chandan Kumar carrying arms in a bag, apprehended them. On



search being made, three country-made pistols have been recovered from the possession of Akmarjeet Kuamr whereas two country-made pistols have been recovered from the possession of Chandan Kumar. It is further alleged that the apprehended persons disclosed the name of this petitioner that the arms were to be supplied to this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner. It is further submitted that even during the course of investigation, no other material save and except the disclosure made by the apprehended persons has come, which suggests the complicity of this petitioner in the present case. It is also submitted that as this petitioner is in custody since 22.10.2021 and moreover, after conclusion of the investigation, the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that huge recovery has been made from the persons, who were apprehended by the Police and they have disclosed the name of the petitioner. It is also submitted that the petitioner has been found involved in one



another case.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his possession, which suggests the complicity of this petitioner in the present case, save and except the disclosure made by the other co-accused persons, there is nothing against him and this petitioner is in custody since 22.10.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai in connection with Matihani P. S. Case No. 132 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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