

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13913 of 2022**

Arising Out of PS. Case No.-838 Year-2019 Thana- MOTIHARI TOWN District- East
Champaran

Sanjit Chaudhary @ Sanjeet Chudhary @ Raja Son Of Prabhu Chaudhary
Resident Of Village- Hindu Chakia, P.S. Chakia, District- East Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER**

3 12-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 120(B) and
34 of the Indian Penal Code and Sections 25(1-B)a, 26 and 35 of
the Arms Act.

The prosecution case, in short, is that the informant
received information that a person has fallen near Galaxy
Building of Civil Court, Motihari, thereafter, the police party
reached there and saw a person fallen there and saw much blood
was oozing out from his trouser and blood was also oozing out
from his thigh and, on interrogation, the person told his name as
Gobind Sahani and introduced himself as a criminal, who had



come in the court premises armed with pistols tied to his waist with his associates and due to firing of his own pistol, he got injured. The said Gobind Sahani told that he had come to the court to kill Tunna Singh, another criminal in the court premises on the direction of the present petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner has no concern with the alleged occurrence and the case under Sections 25(1-B)a, 26 and 35 Arms Act is not made out against the petitioner. Further, it is submitted that the petitioner was not apprehended at the spot, he was in jail at the time of occurrence. It is further submitted that the petitioner's name has transpired in this case on the basis of confessional statement of co-accused, namely, Govind Sahani. No incriminating articles have been recovered from the conscious possession of the petitioner. The petitioner is in custody since 03.01.2020, charge-sheet has been submitted in the case and he has criminal antecedent of eight cases.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with



two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate Ist Class, Motihari, East Champaran in connection with Town P.S. Case No. 838 of 2019, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) If the petitioner tampers with the evidence or influences the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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