

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16446 of 2022

Arising Out of PS. Case No.-301 Year-2020 Thana- KANTI District- Muzaffarpur

BAIDYANATH SAHNI Son of Asarfi Sahni Resident of Village - Kolhua
Imli Chowk, P.s.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 15-07-2022 Heard learned counsel for the parties through video
conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with Kanti
P.S. Case No. 301 of 2020 under Sections 399, 402, 411 of the
Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms
Act and Section 8, 20, 22 of the NDPS Act.

The allegation in the FIR is that the police upon secret
information intercepted and apprehended some of the accused
persons and it has been mentioned in the FIR that from two
accused persons namely, Md. Samir and Md. Zubair half K.G.
each of ‘Ganja’ were recovered. Beside from one Ravi Kumar,
one looted mobile was recovered/seized whereas from one



Abhishek Kumar, one loaded pistol was recovered/seized. Accordingly, they were arrested and the petitioner was among the person who managed to flee away from the said place.

Taking into account the aforesaid facts that the charge sheet has already been submitted and there was nothing recovered/seized from the person of the petitioner as also the fact that he is in jail since 28.09.2021 (as stated in paragraph-8 of the bail application), this Court is inclined to grant him the privilege of bail with certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of 2nd Additional Sessions Judge cum Spl. Judge, Muzuffarpur in connection with Kanti P.S. Case No. 301 of 2020, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;



(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, this bail application is allowed.

(Rajiv Roy, J)

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