

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17264 of 2022

Arising Out of PS. Case No.-191 Year-2020 Thana- AURAI District- Muzaffarpur

Arjun Sahni S/o Late Mahavir Sahni R/o Village- Dharupatti, P.S.- Aouraie,
Distt- Muzaffapur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 29-09-2022 Let the defect(s), if any, be removed within two
weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Aurai P.S. Case No. 191 of 2010 (Also N.D.P.S. Case No. 77 of
2020) lodged under Sections 399/402 of the I.P.C., Sections
25(1-B)/26 of the Arms Act and 8/20/22/25/29 of the N.D.P.S.
Act.

As per the prosecution case, the present criminal case
has been filed against 9 named accused persons and recovery of
arms and N.D.P.S. material has taken place only with one
apprehended accused person named Sunil Kumar Mahto.

Learned counsel for the petitioner submits that

petitioner is named accused in the F.I.R. but he has not been apprehended from the place of occurrence. Petitioner's name has come by the virtue of confessional statement of accused number-1 Sunil Kumar Mahto, from whose possession N.D.P.S. material and arms have been recovered. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 28.08.2021 having 6 criminal cases pending against him and out of 6 criminal cases, 2 cases are of N.D.P.S.

Learned counsel for the petitioner submits that so far as the present case is concerned, there is absolutely nothing against the present petitioner.

Learned counsel for the State opposes the prayer for bail and submits that in the present case, nothing was recovered from the possession of the petitioner neither he was apprehended from the place of occurrence.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional Session Judge-2nd, Muzaffarpur, Bihar in connection with Aurai P.S. Case No.

191 of 2010 (Also N.D.P.S. Case No. 77 of 2020), subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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