

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17918 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- MARANCHI District- Patna

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KUNDAN SAHANI Son of Brijnandan Sahani Resident of Village- Sherpur,
P.S.- Maranchi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gyanendra Kumar Singh, Advocate

For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 28-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 25(1-b)a/26/27/35 of Arms Act.

One country made pistol loaded with two live cartridges in magazine was recovered from possession of co-accused-Sonu Sahni.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that in fact the petitioner is not apprehended on



the spot and it appears from the FIR as well as seizure list that nothing has been recovered from conscious possession of the petitioner and no case is made out against the petitioner under the Arms Act. Further submits that the recovery has been made from possession of co-accused, namely, Sonu Sahni and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Maranchi P.S. Case No.64 of 2021, with 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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