

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31478 of 2022**

Arising Out of PS. Case No.-29 Year-2022 Thana- NAGAR District- Vaishali

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Biltan Sahani @ Biltan Sahni Bhajan Sahani R/O Village- Harauli, P.S.-
Hajipur Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

2 25-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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

Petitioner seeks regular bail in connection with
Hajipur Town P.S. Case No. 29 of 2022 registered for the
offences under Sections 399 and 402 as well as 25(1-B)a, 26
and 35 of the Arms Act.

As per the prosecution story, the accused persons
including the petitioner assembled at the alleged place with an
intention to make preparation to commit the offence of loot and
thereafter the police personnel raided the said place and arrested
three co-accused persons including the petitioner and the rest
accused persons managed to escape and from the possession of



this petitioner one sharp knife was recovered and from the possession of other arrested co-accused persons fire-arms were recovered.

The main submissions advanced by the learned counsel Mr. Manish Chandra Gandhi for the petitioner are that the petitioner is 18 years old person having clean antecedent and he was taken into police custody for interrogating about his father as against the father of this petitioner there were some criminal antecedent at the time of alleged arresting of this petitioner and in the present case the alleged recovery of weapon was not made before the independent witnesses and the provisions of Section 100 of Cr.P.C. were not complied with by the police and the investigation has been completed in respect of the petitioner.

Learned APP Mr. Sanjay Kumar Tiwary appearing for the State has opposed the bail prayer.

In view of the above submissions and mainly taking into account the petitioner's clean antecedent and his young age, in the opinion of this Court the petitioner deserves a lenient approach in respect of the petitioner's prayer, let the petitioner 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 the concerned Court in connection with Hajipur Town P.S. Case No. 29 of 2022, on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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