

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32998 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- KATRA District- Muzaffarpur

Chhote Sahani Son of Bilash Sahani Resident of Village - Ratwara, P.s.-
Aurai, Distt.- Muzaffarpur (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ramchandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 02-09-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Mr. Arun Kumar, learned counsel for the petitioner
and Mr. Ramchandra Sahni, learned APP for the State are
present.

Petitioner seeks regular bail in connection with Katra
P.S. case no. 91 of 2022 registered for the offences punishable
under Sections 399, 402 of the Indian Penal Code and Sections
25(1-b)a, 26 and 35 of the Arms Act and Sections 20 and 22 of
the NDPS Act.

As per allegation, this petitioner managed to escape
from the alleged spot where at first the police party raided
acting on an information, and the three co-accused persons who
were apprehended at the spot disclosed the names of this



petitioner and two other co-accused persons after that this petitioner was apprehended from his house while the other two co-accused persons who had escaped, namely Murari Kumar @ Guddu Kumar and Fekan Sah were also arrested from their respective houses. It is further alleged that the police party recovered fire-arms from the possession of the three apprehended accused persons on the spot and 1250 grams suspected Ganja was recovered from the house of a co-accused Uttam Rai in a raid.

The main submissions advanced by Mr. Arun Kumar, learned counsel for the petitioner are that the petitioner was not arrested at the spot when the police party raided the said place and according to prosecution story three co-accused persons were arrested at the spot, who revealed the name of this petitioner and co-accused persons namely Murari Kumar and Fekan Sah and in following with information given by the arrested co-accused persons the petitioner was arrested from his house but any incriminating material or fire-arm or any other material concerned to the alleged occurrence was not recovered from his possession. Further submission is that similarly situated co-accused Murari Kumar @ Guddu kumar has been granted bail by this Court vide order passed in Cr. Misc. No.



31669 of 2022 and against the petitioner there is no material and he has been dragged in this case mainly on the basis of statements of co-accused persons made before the police and against him there are three other cases in which he is on bail.

Mr. Ramchandra Sahni, learned APP has opposed the prayer for bail.

In view of the above submissions and mainly taking into account that the petitioner was not arrested at the spot with co-accused persons from whose possession the fire arms were recovered and he was arrested from his house and the police did not find any incriminating material from the possession of this petitioner while arresting him as appears from the FIR and also taking into account the fact that one similar situated co-accused has been granted bail by this bench vide order passed in above mentioned Cr. Misc. no., in my view a lenient approach can be taken in respect of 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 Katra P.S. case No. 91 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.

(Shailendra Singh, J)

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