

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34594 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- KANTI District- Muzaffarpur

AMARJEET SAHANI S/o Late Rajeshwar Sahani R/o village- Gopalpur,
P.S.- Kalyanpur, Distt.- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kanchan Kumari, Advocate

Mr. Gopesh Raj, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

The case is registered under Sections 399/402/414 of
the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the
Arms Act, in connection with Kanti P.S. Case No. 52 of 2022.

As per the prosecution story, the police has alleged
that in course of patrolling, they found two motorcycles which
was intercepted. Although, they tried to flee, they were
apprehended and it is alleged that from this petitioner, one
country made pistol with live cartridge was recovered/seized.

Mr. Gopesh Raj, learned counsel for the petitioner



submits at the outset that due to wrong information, it has been mentioned in para-3 that the petitioner do not have criminal antecedent. The petitioner do have criminal antecedent and as such he seeks apology in making wrong statement in the bail application. He is warned to be cautious in future.

The allegation in the FIR is of recovery of one country made pistol and live cartridge for which according to the petitioner's counsel he has remained in custody since 25.1.2022.

Taking into account the aforesaid facts that the petitioner is in custody since 25.1.2022 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail after framing of charges in view of the fact that the petitioner has criminal antecedent as per the statement made by the counsel for the petitioner.

Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, West Muzaffarpur, in connection with Kanti P.S. Case No. 52 of 2022 subject to the following conditions:

- (i) one of the bailors should be the family members 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, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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