

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35250 of 2022

Arising Out of PS. Case No.-246 Year-2022 Thana- MOTIHARI MUFASIL District- East
Champaran

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Vivek Sahani Son Of Ravindra Sahani R/O Village- Fursatpur, P.S.- Muffasil,
Motihari, District- East Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 19-09-2022 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 and learned counsel for the informant.

The petitioner seeks regular bail in connection with
Muffasil P.S. Case No. 246 of 2022 lodged under Sections 341,
323, 379 and 385 of the I.P.C. read with Section 27 of Arms Act.

As per the prosecution case, the demand of extortion
of Rs. 50,000 from the informant is against the petitioner. It is
also there that the petitioner has kept his photograph keeping
pistol at his hand on *facebook*.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that there is no injury caused by the petitioner in this
case. Learned counsel for the petitioner further submits that he

is in custody since 08.04.2022, charge sheet has already been filed in this case. On the point of criminal antecedent, there is only one case pending against the petitioner in which he is on bail. Learned counsel for the petitioner further submits that he is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that there is an apprehension at the hand of the petitioner that once he will release from jail then shall definitely cause some crime.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner at present but liberty is hereby granted to the petitioner to make prayer for his bail after framing of charge in this case. The trial court is directed to release him on bail after charge on his own condition so that he shall not evade from trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J)

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