

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41635 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- MOTIPUR District- Muzaffarpur

PAWAN SAHANI Son of Raghuwar Sahni Resident of village - Chand Parsa
Bhagwatiya, P.S.- Kesariya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Motipur
P.S. Case No. 122/2022, G.R. No.807/2022 registered for the
offences punishable under Sections 25(1-b)a, 26 of the Arms
Act.

As per prosecution case, there is alleged recovery of
one loaded country made pistol from the possession of the
petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 31.03.2022



and bears criminal antecedent of one case. No incriminating article has been recovered from the conscious possession of the petitioner. Seizure list has not been prepared as per law. He further submits that petitioner has no concern with the alleged seized articles because he was apprehended only on suspicion as he was standing near the actual place of recovery. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-2nd (West), Muzaffarpur in connection with Motipur P.S. Case No. 122/2022, G.R. No.807/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

