

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51907 of 2021

Arising Out of PS. Case No.-197 Year-2021 Thana- MOTIPUR District- Muzaffarpur

UMESH SAHANI Son of Late Dinesh Sahani Resident of Village- Nunfara,
P.S.- Piya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Motipur P.S.Case No.197 of 2021 registered for the offence under Sections 400,414,120(B)/34 of the Indian Penal Code read with Section 25(1-b)a,26,35 of the Arms Act.

Prosecution case, in short, is that on search, a loaded country made pistol with live cartridge was recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He further submits that



the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR itself and seizure list that one country made pistol and one cartridge has been recovered from possession of the petitioner. Petitioner is in custody since 22.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 learned C.J.M., Muzaffarpur in connection with Motipur P.S. Case No.197 of 2021 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her 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.

And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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