

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53436 of 2021**

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

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AJAY SAHANI @ AJAY KUMAR @ AJAY S/o Surendra Sahani Resident of
village - Nunfara, P.S. - Piya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 10-01-2022 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.

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) and 34 of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

One loaded country made pistol is said to have
been recovered from the possession of the petitioner.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner. Although, the alleged recovery of one loaded country made pistol is said to have been made from the possession of the petitioner, but no offence has been committed by the petitioner, which is clearly apparent from the F.I.R itself. Moreover, the co-accused, namely, Umesh Sahani having more or less similar allegation, has already been granted bail by this Court vide order dated 05.01.2022 passed in Cr. Misc. No. 51907 of 2021. The petitioner has sufficiently been punished for the alleged recovery as he has been languishing in judicial custody since 22.06.2021 i.e. more than six months.

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, above named, 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 learned Chief Judicial Magistrate, Muzzafarpur 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 canceled 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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