

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58367 of 2021

Arising Out of PS. Case No.-300 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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KAILASH SAHANI Son of Dina Sahani @ Dina Chaudhari Resident of
Village - Raghunathpur, P.S. Raghunathpur (O.P.), District - East Champaran,
Motihari.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2022 Heard.

The petitioner seeks regular bail in connection with
Motihari Muffasil P.S. Case No. 300 of 2019, registered for the
offence punishable under sections 392, 402, 411 of the Indian
Penal Code and Sections 25(1-b)a, 26, 35 of Arms Act.

The police is stated to have reached at the alleged
place of occurrence on the alleged date and time mentioned in
the FIR, where-after they had found five miscreants standing at
the alleged place of occurrence, however, upon having seen the
police force, they started fleeing away, nonetheless, one of the
miscreants namely Nand Kishore Sahni was arrested and upon
search one country made pistol along with live cartridges and
other articles were recovered. It is also alleged that upon



interrogation of the said arrested co-accused person, he disclosed the names of his accomplices including the petitioner herein.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 19.12.2020. The learned counsel for the petitioner has further submitted that only on account of the bad incident of the petitioner herein, he has been falsely implicated in the present case. It is further submitted that the said co-accused person Nand Kishore Sahni has already been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 28.11.2019 passed in Cr. Misc. No. 77613 of 2019. It is further submitted that other accused persons have also been granted bail by co-ordinate Benches of this Court vide orders dated 1.7.2020 and 22.6.2021 passed in Cr. Misc. No. 18508 of 2020 and Cr. Misc. No.4551 of 2021.

Per contra, Ms. Anita Kumari Singh, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also



considering the parity of the case of the petitioner with that of the co-accused persons who have already been granted bail by the co-ordinate Benches of this Court, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No. 300 of 2019.

(Mohit Kumar Shah, J)

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