

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60270 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- KATRA District- Muzaffarpur

PHULESHWAR SAHNI Son of Sri Paltan Sahni Resident of Village -
Dhanaur, P.S.- Katra, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 15-04-2022 Heard learned counsel for the parties through video
conferencing in view of COVID 19.

The petitioner is in judicial custody in connection with Katra P.S. Case No. 96 of 2021 registered under Sections 414 and 120(B)/34 of the Indian Penal Code, Sections 25(1-b)a, 36 and 35 of the Arms Act as well as Section 3/4 of the Explosive Substance Act.

As per the prosecution story, the police party apprehended this petitioner and in presence of the two independent witnesses, two live cartridges and stolen mobile were recovered from him. He further gave the name of one Shiv Shankar Sah. Subsequently, Shiv Shankar Sah's house was also raided and one countrymade rifle loaded with a cartridge was recovered. He gave name of another person Santosh Sah,



whose house was also raided and a grenade bomb was recovered from under construction lavatory. It is in this way that the petitioner came into the judicial custody.

Taking into account that upon search from the person of the petitioner, two live cartridges and stolen mobile have been recovered and further that he is in judicial custody since 14th of April, 2021 (as stated in paragraph 5 (vi) of the bail application) and further that he does not carry any criminal antecedent (as stated in paragraph-3 of the bail application), let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Judicial Magistrate, 1st Class, Muzaffarpur (East) in connection with Katra P.S. Case No. 96 of 2021, subject to the following conditions :-

(i) the trial Court shall check the criminal antecedent of the petitioner while releasing him on bail;

(ii) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his



bail by the Trial Court itself;

(iv) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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