

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63458 of 2021

Arising Out of PS. Case No.-318 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Umashankar Sahni Son of Adalat Sahni Resident of Village - Bara Baishaha,
P.S. - Chakiya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjana Srivastava, Advocate
For the Opposite Party/s : Mr. Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Muffasil P.S. Case No. 318 of 2021
corresponding to G.R. No. 3615 of 2021 registered for the
alleged offences under Sections 412, 413, 414, 467, 468, 120(B)
of the Indian Penal Code and Sections 25(1-b)a/26/35 of the
Arms Act.

Allegation against the petitioner is that two live
cartridges were recovered from his possession while country
made pistol and live cartridges were recovered from other co-



accused persons.

The learned counsel for the petitioner submits that nothing has been recovered from the possession of the petitioner. The co-accused from whom a loaded country made pistol was recovered and on whose instance further recovery of gun and live cartridges were made has been granted bail vide order dated 25.05.2022 passed in Criminal Misc. No. 71419 of 2021 by a Coordinate Bench. The case of the petitioner is on better footing. He is in custody since 22.06.2021

Learned A.P.P. for the State has opposed the contention made on behalf of the petitioner submitting that the petitioner was apprehended with live cartridges in the company of other co-accused persons who were heavily armed. Further, the petitioner is having criminal antecedent and he is accused in similar nature of cases.

Having regard to the submissions made hereinabove and further considering the fact of recovery of two live cartridges only from the petitioner along with custody period and also taking into consideration the grant of bail to the co-accused, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil P.S. Case No. 318 of 2021 corresponding to G.R. No. 3615 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner shall be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every day fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

ved/-

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