

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71419 of 2021

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

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Hariom Sahani Son of Pyare Sahani Resident of Village - Rasmandal, P.S.-
Pipra, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2022 Heard learned counsel for the parties.

The petitioner is in judicial custody in connection with Muffasil P.S. Case No. 318 of 2021 registered under sections 412, 413, 414, 467, 468, 120(B) of the Indian Penal Code and section 25(1-b)a, 26/34 of the Arms Act.

The allegation in the FIR is that upon information that accused persons have assembled to plan some crime, the police reached the spot and apprehended number of accused persons. It is alleged upon search of the person (the petitioner herein) a country made pistol and three live cartridges were recovered/seized from his possession.

Accordingly, FIR was instituted and the petitioner as also the other accused persons from whom recovery/seizure was



made were arrested.

The learned counsel for the petitioner submits that only because of the fact that he has criminal antecedent, the police has implicated him in this case for which he has already suffered by being in jail since 22.6.2021 (as stated in para-11 of the bail application).

Considering the fact that the petitioner is in jail since 22.6.2021 and charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail with certain conditions in view of the fact that he has criminal antecedent.

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 learned Chief Judicial Magistrate, East Champaran at Motihari, in connection with Muffasil P.S. Case No. 318 of 2021 subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear every week till the conclusion of the trial before the Trial Court and failure to do so for two consecutive dates without plausible reasons will



entail his cancellation of bail by the Trial Court itself;

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

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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