

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6744 of 2022

Arising Out of PS. Case No.-103 Year-2001 Thana- MOTIPUR District- Muzaffarpur

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BASDEO SAHNI @ BASUDEV SAHNI S/O RAMAVTAR SAHNI R/o
village- Bhurkurwa, P.S.- Rajepur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-01-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection with Motipur PS case no. 103 of 2021 instituted for the offences punishable under Sections 399, 402 of the Indian Penal Code and Section 25(1-B)A, 26, 35, 27 of Arms Act.

The allegation is regarding the village chowkidar having received information that some criminals were taking toddy at the toddy shop of one Madho Rai and were carrying arms, whereafter the informant and other villagers had gone to the said toddy shop and had found the accused persons including the petitioner herein standing there. It is also alleged that the petitioner had fired one gun shot, whereafter though the petitioner and other co-accused persons had escaped, however,



the villagers had caught the accused persons namely Achelal Sahni and Jagarnath Sahni, from whose possession, five cartridges were recovered.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 12.09.2021. The learned counsel for the petitioner has further submitted that the petitioner is an accused in two other cases but he is on bail in the said cases. It is also submitted that neither the petitioner has been apprehended from the spot nor any arms has been recovered from him, much less there being any allegation of him having fired gun shots on any person causing injury.

Per contra, 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 learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is not alleged to have fired gun shots, resulting in any sort of injury being sustained by anyone, he is stated to be in custody since 12.09.2021 and has neither been apprehended from the spot nor any illicit arms has been recovered from his possession, I deem



it fit and appropriate to enlarge the petitioner on bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II (West), Muzaffarpur in connection with Motipur PS case no. 103 of 2021.

(Mohit Kumar Shah, J)

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