

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.5829 of 2023

Arising Out of PS. Case No.-52 Year-2022 Thana- KANTI District- Muzaffarpur

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GANDHI KUMAR Son of Ram Kishore Sahni Resident of Village -
Bhagirathpur, P.S.- Kalyanpur, District – Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Om Prakash Om, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, App

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-02-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Kanti
P.S. Case No. 52 of 2022 registered for the offences punishable
under Sections 399, 402, 412 of the Indian Penal Code and
Sections 25(1-B)a, 26 and 35 of the Arms Act.

As per the prosecution, the petitioner and co-accused
persons were arrested with firearms and a motorcycle.

The main submissions advanced by the learned
counsel Mr. (Dr.) Om Prakash for the petitioner are that the
petitioner earlier preferred Cr. Misc. No.32340 of 2022 for the
relief of regular bail which was rejected by this Court on



29.08.2022 and now he again filed the instant criminal miscellaneous petition for the same relief mainly on three grounds; firstly, the charges has been framed upon the petitioner; secondly, one similarly situated co-accused person namely Amarjeet Sahni, who is also carrying criminal antecedent, has been granted bail by a co-ordinate Bench of this Court vide order dated 12.09.2022 passed in Cr. Misc. No.34594 of 2022 and thirdly, one co-accused namely Sunil Sahani has been granted bail by the court below itself and accordingly out of three named accused persons, two are on bail except the petitioner and the trial of the case of petitioner has started. Further submission is that the petitioner has been languishing in jail since 25.01.2022.

Learned APP Mr. Lalan Kumar appearing for the State has opposed the bail prayer.

In view of facts, as stated above, and mainly considering the petitioner's custody period and also the privilege of bail having been granted to similarly situated co-accused person namely Amarjeet Sahni by a co-ordinate Bench of this Court, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten



Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Kanti P.S. Case No. 52 of 2022.

(Shailendra Singh, J)

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