

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8085 of 2023

Arising Out of PS. Case No.-222 Year-2021 Thana- SUPPI District- Sitamarhi

Sunil Sahni @ Sunil Kumar, S/o Kailash Sahni R/o Village- Ramnagara, P.S.-
Suppi, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-04-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Suppi
P. S. Case No. 222 of 2021, registered for the offences
punishable under Sections 25(1-b)a, 26 and 35 of the Arms
Act, 1959.

As per allegation, one country-made gun, one
country-made pistol and some incriminating materials, kept
in a plastic bag, have been recovered from the *katcha* house
of the petitioner.

Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this



case. He further submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that only due to political rivalry, he has been made accused in the present case. He further submits that petitioner has been made accused in one more case, registered under the Excise Act, for which he has already moved application for bail before this Hon'ble Court.

He further submits that the petitioner has been languishing in jail since 19.09.2022.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has earlier moved for grant of anticipatory bail *vide* Cr. Misc. No. 24678 of 2022.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of Ld. Sri Awanindra Prakash, Ld. Judicial Magistrate 1st Class, Sitamarhi, in connection with Suppi P. S. Case No. 222 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite



his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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