

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19056 of 2023

Arising Out of PS. Case No.-460 Year-2020 Thana- MOTIHARI MUFASIL District- East
Champaran

=====

Rajesh Sahani Son Of Madan Sahani Resident Of Village - Tharbhitia Tola
Math, P.S. - Pakridayal, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2023 Heard Mr. Sanjay Kumar Tiwari, learned counsel

appearing on behalf of the petitioner and Mr. Rajendra Prasad

Nat, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Muffasil P.S. Case No. 460 of 2020 registered, G.R. No.
7632 of 2020 under Section 414 and 120(B) of the Indian Penal
Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

3. The prosecution story, in brief, is that on the basis
of secret information received by the informant that some
miscreants were planning to commit anti social activity, the
informant along with the police personnel reached at the place
of occurrence and apprehended three miscreants and from their
possession arms and ammunition were recovered.

4. Learned counsel appearing on behalf of the

petitioner submits that the name of the petitioner has surfaced in the case on the basis of confessional statement made by one co-accused namely Bikram Sahani who is named in the F.I.R. and arms were recovered from other co-accused persons. Learned counsel further submits that the petitioner is innocent and has no criminal antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the allegation made against the petitioner as well as the fact that no recovery of arms has been made from the possession of the petitioner rather the recovery of arms was made from the possession of other co-accused persons and seizure list has been made part of the F.I.R. In above view of the matter, the petitioner has, prima facie, made out a case to be released on anticipatory bail.

7. Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned C.J.M, East Champaran, Motihari in connection with Muffasil P.S. Case No. 460 of 2020, subject to the condition as

laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Mantreshwar/-
minu/-

U		T	
---	--	---	--