

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30919 of 2023**

Arising Out of PS. Case No.-193 Year-2022 Thana- KASIMBAZAR District- Munger

SHIVA SAHNI S/O LATE CHANDRA SAHNI R/O Village- Chandisthan
Gordhi Tola @ Nishad Tola, P.S- (Kotwali) Basudeopur O.P, Distt.- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Kant Mishra, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with S.T. No.
37/2023 arising out of Kasim Bazar P.S. Case No. 193 of 2022
registered for the offence under Section 25(1-b)a/26(i)(ii)/35 of the
Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.11.2022.

The allegation against this petitioner is to have in
possession of firearms i.e., 2 country made pistol and 2 live
cartridges alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner was not apprehended on spot and his name surfaced on the basis of confessional statement of co-accused, namely, Md. Raja, where alleged firearms were recovered from public place. It is submitted that the petitioner was named in present case out of suspicion, which is developed from his criminal antecedents, as he found involved in thirteen more criminal cases, where he is on bail and in most of the cases his name surfaced on the basis of confessional statement, as of the present case. It is further submitted that the co-accused persons, namely Md. Munna and Md. Mustakim having more aggravating allegations have been granted bail by learned co-ordinate Benches of this Court through Cr. Misc. No.19453 of 2023 vide order dated 17.05.2023 and Cr. Misc. No. 18928 of 2023 vide order dated 18.05.2023 respectively. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking note of the fact as save and except confessional statement of co-accused Md. Raja, no incriminating material appears against this petitioner during the course of investigation, as to connect him with present occurrence coupled



with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.11.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with S.T. No. 37/2023 arising out of Kasim Bajar P.S. Case No. 193 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge II, Munger/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in any nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the trial Court till conclusion of the trial and exemption from physical appearance be allowed by the trial Court, only on medical ground of the petitioner, duly supported by the documents.”

(Chandra Shekhar Jha, J)

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