

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36055 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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Guddu Sahani Son of Late Birendra Sahani Resident of Village- Siswa
Ajagari, PS- Banjariya, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under sections 399, 402 of the Indian
Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act.

As per allegation in the FIR, informant received
information that some miscreants variously armed were
assembled near Raja Bazar, Motihari and were planning to
commit a crime. Acting on a tip off, police party proceeded
towards place of occurrence and apprehended three accused
persons including the petitioner and two miscreants managed to
escape. On search, one loaded country made pistol and one live
cartridge were recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case. The alleged recovery is planted by the police officials. Police has not complied the mandatory provision of Section 100 Cr.P.C. while preparing the seizure list as the seizure list witnesses are police officials. He is languishing in judicial custody since 5.2.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM, Motihari, East Champaran in connection with Town P.S. Case No. 140 of 2023.

(Sunil Kumar Panwar, J)

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