

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38089 of 2023

Arising Out of PS. Case No.-234 Year-2023 Thana- HARSIDHI District- East Champaran

Ajay Sahni Son Of Late Suresh Sahni Village Ghogharaha, Ps- Harsidhi,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Harsidhi P.S. Case No. 234 of 2023 dated 08.04.2023, instituted for the offences punishable under Sections 399, 402, 413, 414 of the Indian Penal Code and 25(1-b)A, 26/35 of the Arms Act.

3. The prosecution case, in short, is that on 08.04.2023 at about 7:10 pm, the informant (S.H.O) reached Kobeya Bridge based on confidential information about conspiracy to loot a big businessman and apprehended three accused persons including the petitioner. On search, police recovered two loaded country-made pistols from conscious possessions of the co-accused and motorcycle without requisite document from the petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the recovered motorcycle was without number and there is no case of theft against the said motorcycle. It is further submitted that petitioner has no concern with the seized motorcycle. Lastly, it has been submitted that the petitioner is in custody since 27.03.2023 having five criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 234 of 2023, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court



below.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

annpurna/-

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

