

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43353 of 2023

Arising Out of PS. Case No.-15 Year-2022 Thana- BANGARA District- Samastipur

ARVIND SAHNI @ ARVIND KUMAR, Gender, Male, S/o Shiv Shankar Sahni, Resident of village Peyarepur, Ward No. 7, P.S. Baligaon, District- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Advocate

For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 24-07-2023 1. Heard learned counsel for the petitioner and the learned APP for the State.
2. Petitioner seeks regular bail in connection with N.H. Bangra P.S. Case No. 15 of 2022 dated 12.02.2022 registered for the offence(s) punishable under Section(s) 399, 402, 467, 468 of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.
3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner was arrested merely on suspicion, in actual he was just standing as a bystander near the place from where the other co-accused persons were arrested and moreover similarly situated co-accused persons, namely, Umesh Kumar and Abhishek Kumar



have been granted bail by different co-ordinate Benches of this Court vide orders passed in Cr. Misc. Nos.50448 of 2022 and 45226 of 2022 respectively and the petitioner has been languishing in jail since 13.02.2022 and against him, the investigation has been completed. Further submission is that as per allegation, one pistol and three cartridges are stated to have been recovered from the possession of this petitioner but the said recovery has been wrongly shown from the possession of this petitioner.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Having regard to the facts and circumstances of the case and considering the above submissions and mainly the privilege of bail having been granted to similarly situated co-accused persons, as mentioned-above, and petitioner's case appears to be similar to them, in my opinion, a lenient approach can be taken in respect of the petitioner's prayer. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed** in connection with N.H. Bangra P.S. Case No. 15 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court



concerned on following conditions:-

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

(ii) 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.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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