

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53676 of 2022

Arising Out of PS. Case No.-82 Year-2022 Thana- BACHHWARA District- Begusarai

AJAY SAHNI @ GAINA S/o- Late Jibachha Sahni R/V- Fateha, P.S.-
Bachhwara, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 14-02-2023 Let the defect(s), if any, pointed out by the office be removed within two weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Bachhwara P.S. Case No. 82 of 2022 registered for the offences punishable under Sections 414 of the Indian Penal Code and 25(1-b)a, 26 and 35 of the Arms Act.

As per the prosecution, the informant alleged that on the basis of a viral image on whatsapp he raided the house of one namely Prince Kumar and in his confessional statement he disclosed the name of this petitioner and upon making search in



the alleged house of this petitioner a country-made pistol along with a magazine loaded with five live-cartridges and a mobile phone were recovered.

The main submissions advanced by the learned counsel Mr. Ajay Kumar for the petitioner are that in the alleged image which went viral on social media the petitioner was not seen having the alleged fire-arm in his possession rather co-accused Prince Kumar was seen in that video and after making interrogation from the said co-accused the petitioner's house was searched and one country-made pistol with live cartridges was recovered and except this there is no any other allegation against the petitioner. Further submission is that the petitioner has been languishing in jail since 22.04.2022 having fair and clean antecedent and in actual the petitioner and co-accused Prince Kumar are next door neighbours and there is no good relation between them and the police recovered the alleged fire-arm from the possession of said co-accused Prince Kumar and the same was wrongly shown having been recovered from the possession of the petitioner.

Learned APP Mr. Uma Shankar Prasad Singh appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly



the petitioner's fair and clean antecedent and his custody period, in the opinion of this Court a lenient approach can be taken in respect of the petitioner’s prayer, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bachhwara P.S. Case No. 82 of 2022.

(Shailendra Singh, J)

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