

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55676 of 2023

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

NARAD SAHNI son of Shivchandra Sahni Village- Dhankharaiya Ward no-1,
Ps- Harsidhi Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Harsidhi P.S. Case No. 234 of 2023 for the offence punishable under Sections 399, 402, 413 and 414 of the Indian Penal Code and section 25(1-B) a, 26, 35 of the Arms Act lodged on 8.4.2023 by the informant, Jwala Kumar.

As per the prosecution story, upon information that accused persons have assembled to create crime, the police went. Though, some accused persons managed to escape, three of them were apprehended, the petitioner included. From him, a live cartridge was recovered. Accordingly, the FIR, arrest and seizure.

It is the case of the petitioner that only because of criminal antecedent, has been apprehended and seizure of live



cartridges have been shown. Further, he is in custody since 9.4.2023 (para-11 of the petition) and one similar situate Ajay Sahni has been granted bail by a coordinate bench of this Court in Cr. Misc. No. 38089 of 2023.

Learned APP opposes the prayer for bail.

Taking into account the submission put forward by the learned counsel for the petitioner, his period of custody as also that similar situate Ajay Sahni has been granted bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari or its successor Court, in connection with Harsidhi P.S. Case No. 234 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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