

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67452 of 2023

Arising Out of PS. Case No.-145 Year-2021 Thana- LALGANJ District- Vaishali

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ABHISHEK KUMAR SON OF AMARNATH SAHNI RESIDENT OF
VILLAGE - BALAHA BASANTA, JAHANABAD, P.S. - LALGANJ,
DISTRICT - VAISHALI AT HAJIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Niranjan Parihar, Adv.

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Lalganj P.S. Case No. 145/2021 of 2022 registered on
19.04.2021 lodged under Sections 399, 402, 414, 413 of the
I.P.C. and 25(1-B)a, 26/35 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged
against five named accused persons including the petitioner.
From content of F.I.R., it transpires that recovery of one pistol
and live cartridges from the possession of the two accused
person namely Ramesh Lal and Rajlal Kumar, whereas the
petitioner and other two persons has fled away from the spot

4. Counsel for the petitioner submits that name of the



petitioner has been figured in this case by the virtue of confessional statement of the apprehended person. He further submits that petitioner is in custody since 25.04.2021. He submits that the person from whose possession arms has been recovered has been granted bail by the Co-ordinate Bench of this Court by the order dated 14.12.2021, 18.01.2022 passed in Cr. Misc. No. 40543 of 2021 and Cr. Misc No. 42918 of 2021. Counsel further submits that there are two criminal antecedents against the petitioner in which he is on bail.

5. Learned counsel for the State opposes the prayer for bail and submits that it is true that in the present case nothing has been recovered from the petitioner but it is also true that petitioner has two criminal antecedents.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Judge III-cum-A.C.J.M. IXth Vaishali at Hajipur in connection with Lalganj P.S. Case No. 145/2021 of 2022 subject to the following conditions and the condition laid down under Section 437(3) of the Cr.P.C.

(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
bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned
police station every month for one year to mark attendance;

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

(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 the bail bonds.

7. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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