

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64577 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- HASANPUR District- Samastipur

Arvind Sahani @ Arbind Kumar Sahani @ Arbind Kumar @ Arbind Sahani
Son of Tarun Sahni @ Tarun Sahani R/O Village - Haripur Ghat, P.S.-
Khanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Hasanpur
P.S. Case No. 48 of 2022 registered for the offence under
Sections 399 and 402 of the Indian Penal Code and Sections
25(1-b)a, 26, 35 and 25(1-A) of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.02.2022.

The allegation against the petitioner is to involve in
preparation of *dacoity* alongwith other co-accused persons,
while preparing so found in possession of one live cartridge, one



mobile and one motorcycle.

Learned counsel appearing on behalf of the petitioner submitted that the alleged mobile and motorcycle recovered from the possession of petitioner, belongs to him and one recovered live cartridge is appearing planted to implicate the petitioner in false case. It is further submitted that said live cartridge not appears to be recovered from conscious physical possession of this petitioner. It is also submitted that nothing incriminating surfaced during the course of investigation, which may suggest that petitioner appears to be involved in any such activity, which may be said as preparation for *dacoity*. While concluding the argument, it has been submitted that petitioner found involved in five more cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced during the course of investigation, suggesting that petitioner was preparing for *dacoity*, save and except recovery of one live cartridge, coupled with the fact that charge-sheet has been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Hasanpur P.S. Case No. 48 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Rosera Samastipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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