

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71188 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- VAISHALI District- Vaishali

Chhotu Sahni @ Chotu Kumar @ Shholy Kumar, son of Sri Kerai Sahni,
Village- Shyampur Ps- Bhagwanpur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Vaishali (Belsar O.P) P.S. Case No. 123 of 2023 registered on 26.03.2023 for the alleged offences under Sections 399, 402 and 414 of the Indian Penal Code and Sections 25(1-b)A, 26 and 35 of the Arms Act.

3. As per prosecution case, police received information about 5-6 miscreants making preparation for committing some crime in a Magic vehicle. A raid was conducted and all of them were apprehended. Recovery of firearms ammunitions, knife, rod, iron cutter was made from the apprehended persons and their vehicle. Allegation against the petitioner is that he was carrying a two feet long iron rod.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Nothing incriminating has been recovered from the conscious possession of the petitioner. Except suspicion, there is nothing against the petitioner. Moreover, recovery has been shown from the petitioner is only a rod of length about two feet which could not be a weapon of any type. Co-accused Rahul Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.08.2023 passed in Cr. Misc. No. 53078 of 2023. The petitioner is in custody since 26.03.2023 and charge-sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that petitioner and others were making preparation for committing dacoity.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Vaishali at Hajipur/concerned court in connection with Vaishali (Belsar O.P) P.S. Case No. 123 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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