

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10488 of 2024

Arising Out of PS. Case No.-192 Year-2020 Thana- AURAI District- Muzaffarpur

Sikram Kumar Sahni S/O KAPAL SAHNI R/O VILLAGE- KHARKA
BASANT, PS. JALE, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-04-2024 Heard Mr. Alok Kumar Alok, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with Aurai P.S. Case No. 192 of 2020 for the offence punishable under sections 25(1-b)a/26 of Arms Act lodged on 25.09.2020 by the informant, Rajesh Kumar.

3. As per the prosecution story, on secret information that one person is coming on motorcycle is having illegal arms and contraband, police team reached near Ratanpur cut. After some time, one person came on motorcycle and on seeing the police party, tried to flee after turning his motorcycle. However, he was apprehended by the police force. On being searched, one loaded country made pistol, one live cartridge kept in his pocket, the motorcycle and approximate 1.480 kg charas/opium



was/were recovered. Accordingly, the FIR.

4. Considering the fact that the recovery was over one kilogram and earlier the bail petition was rejected vide Cr. Misc. No. 11728 of 2023 on 10.05.2023.

5. The present bail application has again been moved in which a report was called for and vide letter no. 19 dated 15.02.2024, it has been informed that charges have been framed on 03.08.2021 itself but no prosecution evidence has been produced.

6. Learned counsel for the petitioner submits that if granted relief, he shall be diligently appearing in trial without fail.

7. Learned APP opposes the prayer for bail stating that the recovery/seizure is above one kilogram.

8. From the aforesaid facts, it is clear that despite him being in custody since 26.09.2020 (as stated in paragraph 14 of the petition), the trial has not moved from August 2021.

9. Though the recovery/seizure is above one kilogram, the petitioner have criminal antecedent too, that cannot be a ground to keep him in custody permanently when the report itself shows that the charges were framed on 03.08.2021 but no prosecution witness has been produced till date.



10. Taking into account solely the period for which he has remained in custody and there is no sight of conclusion of trial, this Court is inclined to extend him the privilege of bail with strict conditions in view of the fact that he has criminal antecedent.

11. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge, Muzaffarpur, in connection with Aurai P.S. Case No. 192 of 2020 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/her 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 month till the conclusion of trial 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.

(Rajiv Roy, J)

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