

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17315 of 2024

Arising Out of PS. Case No.-545 Year-2023 Thana- MADHUBAN District- East Champaran

Subhash Sahani Son Of Lalbabu Sahani @ Lalbabu Sahni Resident Of
Village- Dihu Tola, Ps- Madhuban, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Madhuban P.S. Case No.545 of 2023, lodged on 29.10.2023,
under Sections 399/402/413/414 of the Indian Penal Code and
under Sections 25(1-b)A/26/35 of the Arms Act.

3. As per the prosecution, FIR has been lodged against
seven named accused persons including the present petitioner.
Recovery of arms and ammunition has been the subject matter
of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
submits that the petitioner has not been apprehended from the
place of occurrence and nothing incriminating has been



recovered from the possession of the petitioner. The name of the petitioner has figured by virtue of confessional statement of apprehended accused persons. The petitioner is in custody since 01.11.2023 and is accused in one more criminal case, in which he is on bail. Counsel further submits that the other co-accused who were apprehended on the place of occurrence has been granted bail by a co-ordinate Bench of this Court vide order dated 09.02.2024 passed in Cr. Misc. No.5934 of 2024.

5. Learned counsel for the State opposes the prayer for bail.

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 Judicial Magistrate, 1st Class, East Champaran, in connection with Madhuban P.S. Case No.545 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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 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.

(Dr. Anshuman, J)

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