

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27676 of 2024

Arising Out of PS. Case No.-67 Year-2022 Thana- CHHAURADANO District- East
Champaran

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Bhim Sahani Son of Nanhak Sahani R/o Village- Lain Jhitkahiya, P.S.-
Adapur, District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-06-2024

Heard the parties.

2. The petitioner is an accused in connection with Chhauradano P.S. Case No. 67 of 2022 registered for the offences under sections 399 and 402 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 03.05.2022 by the informant, Manoj Kumar Singh.

3. As per the prosecution story, the police upon the direction of the S.P., Motihari went to arrest some criminals. Upon reaching the place though some managed to escape, three accused persons were arrested and arms were also recovered. Accordingly, the F.I.R.

4. The name of the petitioner cropped up on the basis of the confession of the accused persons, apprehended by the Police including Ramayan Thakur and Pappu Pandit @ Tarkeshwar Pandit.



5. Learned Counsel for the petitioner submits that he do not have criminal antecedent, was not arrested from the spot, name came in the confessional statement and is in custody since 26.12.2023 (as stated in paragraph 10 of the petition).

6. Learned APP for the State, on the other hand, opposes the prayer for bail submitting that his name has come in the confessional statement of the other accused persons.

7. Taking into account the aforesaid facts as also that he do not have criminal antecedent, one of the co-accused, Tarkeshwar Pandit @ Pappu Pandit has been granted bail in Cr. Misc. No. 34590 of 2022, this Court is inclined to extend him privilege of bail.

8. However, if it is found that he do have criminal antecedent, the bail order shall become infructuous.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran, Motihari in connection with Chhauradano P.S. Case No. 67 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member/relative 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 bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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