

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62874 of 2024

Arising Out of PS. Case No.-481 Year-2023 Thana- SUGAULI District- East Champaran

Ajay Sahani, aged about 32 years, Male, Son of Late Suresh Sahani, Resident of Village - Gagraha Bairiya, Ghograha Bairiya , P.S.- Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Ranjan, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sugauli P.S. Case No. 481 of 2023 instituted for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-b)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, one loaded country made pistol and one motorcycle bearing Registration No. BR-05-AF-7889 have been recovered from the accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case on the basis of suspicion. No incriminating articles have been recovered from the



conscious or constructive possession of the petitioner. He has no concern with the alleged seized motorcycle. The name of the petitioner has been surfaced only on the basis of confessional statement of co-accused persons. He next submits that the petitioner was not caught at the spot. Similarly situated co-accused persons namely Ranjit Kumar and Sunny Kumar have already been granted bail by this Court. Petitioner is in custody since 16.05.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned 2nd Additional District and Sessions Judge, East Champaran, Motihari dated 01.07.2024, it appears that petitioner has been made accused only on the basis of suspicion. There is no any independent witness of the seizure list. The name of the petitioner has been surfaced only on the basis of co-accused persons namely Ranjit Kumar and Sunny Kumar, who has been granted bail by this Court in Cr. Misc. Nos. 15912 of 2024 and 21550 of 2024 vide orders dated 19.03.2024 and 19.04.2024, respectively so considering all the aspects of the matter and submission of learned counsel for the petitioner, I am inclined to grant bail to the petitioner, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above



named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, East Champaran, Motihari in connection with Sugauli P.S. Case No. 481 of 2023.

(Ramesh Chand Malviya, J)

Anand Kr.

U		T	
---	--	---	--

