

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.861 of 2024

Arising Out of PS. Case No.-164 Year-2023 Thana- BIRAUL District- Darbhanga

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Amarjeet Sahni @ Amarjeet Kumar, S/O Late Rajeshwar Sahni @ Rajeshwar Sahani Mohalla/Vill- Ward No. 1, Near Kali Mandir, Gopalpur, Ps. Kalyanpur, Distt. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kedar Jha, Advocate

For the Opposite Party/s : Mr.Ajay Kumar, No2, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Biraul P.S. Case No. 164/2023 lodged on 22.04.2023 under Sections 401/411 of the Indian Penal Code and Sections 25(1-B)a/26/35 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against four named accused persons including the present petitioner against whom there is allegation that they were apprehended by the police when they were coming from the Samastipur district on their motorcycle. On search being made, Rs.10,00/- cash, one loaded country-made pistol along with one live cartridge were recovered from the possession of



the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Learned counsel for the petitioner further submits that the petitioner is in custody since 23.04.2023 about eight months have lapsed. There are two criminal cases pending against him and he is on bail in both cases. The case of the petitioner is triable by a Magistrate.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the petitioner is accused in two more criminal cases.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Biraul, Darbhanga, in connection with Biraul P.S. Case No. 164 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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