

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33338 of 2025

Arising Out of PS. Case No.-931 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Prabhu Sahni, S/o Sitaram Sahni, Resident of Gosainpur, P.S- Ahiyapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Aditi Medha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Ahiyapur P.S. Case No. 931 of 2019, registered for the alleged offences under Sections 399, 402, 411, 414 of the Indian Penal Code, Sections 25 (1-B)a, 26, 35 of the Arms Act and Sections 22 & 23 of NDPS Act.

3. As per prosecution case, a secret information was received about the assembly of some armed miscreants at certain identified place for making plan to commit some offence. A raid was conducted and five miscreants were apprehended and four miscreants fled away while raid was being conducted. From the apprehended co-accused persons, recovery of smack, country made pistol, live cartridges, knife,



mobile phones, motorcycles was made. The apprehended co-accused persons disclosed the name of this petitioner, who made good his escape along with some other co-accused persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not present at the place of occurrence. Nothing incriminating has been recovered from the person/possession of this petitioner and he has no concern with the other apprehended co-accused persons. The co-accused persons, who were apprehended from the spot, have been granted bail by the different Coordinate Benches of this Court vide orders dated 18.01.2023, 22.09.2021, 12.12.2019 & 18.12.2019 passed in Cr. Misc. Nos. 23884 of 2022, 9866 of 2021, 82498 of 2019 and 77215 of 2019, respectively. The petitioner is in custody since 12.01.2024 and is having criminal antecedent of one case. The charge sheet has been submitted.

5. Learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person/possession



and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Special Court-1 (NDPS), Muzaffarpur/court concerned, in connection with Ahiyapur P.S. Case No. 931 of 2019 (NDPS Case No. 36/2024), subject to the conditions mentioned in Section 480 (3) of BNSS and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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