

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87740 of 2024

Arising Out of PS. Case No.-405 Year-2022 Thana- KESARIA District- East Champaran

Arun Sahani S/o- Jawahar Sahani Resident of village- Karhan Bairiya Ps-
Kesariya District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Ray, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-01-2025 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

2. The petitioner seeks regular bail in connection with S.Tr. No.4337 of 2023, arising out of Kesariya P.S. Case No.405 of 2022 lodged under Section 412 of the I.P.C read with Sections 25(1-B)a/ 26 /35of the Arms Act read with Section 20, 22, 24, 25 and 29 of the N.D.P.S. Act., 1985.

3. As per the prosecution case, the F.I.R. has been lodged against two accused persons including the petitioner with allegation that the petitioner was involved in a case of dacoity and disclosed that 700 gram gold and 2.500 gm silver which was looted material has been kept in his house. Upon raid, recovery of one country made pistol and 1 kg material appears to be like *Charas* have been made from his house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits



that charge has been framed in this case under the provision of Arms Act only.

5. Counsel further submits that petitioner's antecedent is not clean. There are 2 criminal cases pending against him in which he is on bail and he is in custody since 13.08.2022.

6. Counsel also submits that the another co-accused has been granted bail by this Court vide order dated 24.07.2024 passed in Cr. Misc. No. 50875/2024.

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

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, but on being satisfied by the trial court that the petitioner is not absconding in any of the cases which are pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st Class, East Champaran, Motihari in connection with S.Tr. No.4337 of 2023, arising out of Kesariya P.S. Case No.405 of 2022, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. 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.

9. The details of the cases which are pending against the petitioner, are as follows:-

- i. Chakia P.S. Case No.213 of 2022.
- ii. Kesariya P.S. Case No.227 of 2022.

(Dr. Anshuman, J.)

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