

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.589 of 2025

Arising Out of PS. Case No.-189 Year-2024 Thana- CHAKIA District- East Champaran

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Dina Sahani @ Dinanath Sahani @ Dina Mahto S/O Late Vipat Sahani @
Bipat Sahani @ Vipal Mahto Resident of Village- Jhariya, Ward no. 10, P.S-
Banjariya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 02-07-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner seeks regular bail in a case registered
for the offences punishable under Sections 309(5) of the
Bharatiya Nyaya Sanhita and 25(1- b)a, 26, 35 of the Arms Act

3. As per the prosecution case, the informant got
information that some criminals had assembled to commit a loot
in Fino Micro Finance. For verification of the said information,
the informant reached there and apprehended one Raju Kumar.
On being searched, a country-made pistol and a live cartridge
were recovered from the possession of Raju Kumar and on his
confession few persons were found to be standing near the
Micro finance Bank and on seeing the police they started to flee,



however, one person was chased and apprehended who disclosed his name as Vivek Kumar and a loaded country-made pistol and four live cartridges were recovered from his possession and further he disclosed his accomplice as Ramu Mahto and Dina Sahani (the petitioner).

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case only because he carries long list of criminal antecedents. It is further submitted that the petitioner was not apprehended from the place of occurrence rather his name has transpired in this case on the basis of confessional statement of the co-accused Vivek Kumar. It is next submitted that no incriminating article has been recovered from the conscious possession of the petitioner. It is also submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.12.2024 passed in Cr. Misc. No. 82834 of 2024. It is lastly submitted that the petitioner has thirteen criminal antecedents and is in custody since 21.09.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail and stated that the petitioner carries thirteen criminal antecedents of similar nature of offence, hence, he does not deserve the liberty of bail.



6. Considering the aforesaid submissions of the parties and taking into account the fact that similarly situated co-accused, namely, Vivek Kumar, on whose confession the name of the petitioner surfaced in this case, has already been granted bail by a co-ordinate Bench of this Court and also considering the period of custody, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 25,000/- (Rupees Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, in connection with Chakiya P.S. Case No. 189 of 2024, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bonds.

(v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be



delayed for purpose of or in the name of verification.

(vi) In view of the antecedent of the petitioner, the petitioner is directed to appear before the Superintendent of Police, East Champaran, Motihari, within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. The application stands allowed.

(Sourendra Pandey, J)

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