

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11557 of 2015

Arising Out of PS.Case No. -127 Year- 2004 Thana -PATNA CITY CHOWK District- PATNA

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Prem Sahni son of Late Kapil Muni Sahni @ Kapil Sahni, R/o Mohalla
Gandhi Nagar, P.S. Agam Kuan, Patna City, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar

For the Opposite Party/s : Mr. Lalan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 26-06-2015 Heard learned counsel for the petitioner and the State.

The petitioner is in custody since 05.06.2014 in Chauk
P.S. Case No. 127 of 2004 which was initially recorded under
section 394 IPC, section 27 of the Arms Act as also section 3/5 of
the Explosives Substance Act but later section 395 IPC was
added.

The allegation is that the informant while going to bank
for depositing a sum of Rs. 1, 80,000/- was intercepted and one
person caught his hand and demanded the money on the point of
pistol. He was robbed of his money.

The contention of the petitioner is that he has been
remanded in this case on 20.06.2014 although he was in custody
in connection with another case. The informant claims to have

identified the accuseds but the petitioner was not put on TIP for such identification. There is no recovery of the stolen cash amount from the possession of the petitioner. None of the witnesses examined by the police disclosed the complicity of the petitioner in the crime.

Learned Sessions Judge while considering the case has noted the criminal antecedent of the petitioner. The petitioner in paragraph 3 of the bail petition has disclosed the following cases which have been cited against him in the case diary:-

1. Alamganj P.S. Case No. 85/05 u/s 395 & 397 I.P.C.
2. Alamganj P.S. Case No. 105/05 u/s 395 & 397 I.P.C.
3. Agam Kuan P.S. Case No. 318/06 u/s 395 I.P.C.
4. Chowk P.S. Case No. 135/04 u/s 302/34 I.P.C.
5. Agam Kuan P.S. Case No. 27/09 u/s 379 I.P.C.
6. Sambhalpur P.S. Case No. 82/12 u/s 395 I.P.C.
7. Fatuha P.S. Case No. 164/14 u/s 399 & 402 I.P.C. and 25(1-b) A of the Arms Act.

It is stated that except in Agam Kuan P.S. Case No. 318/2006 and Fatuha P.S. Case No. 164/14 the petitioner has not been sent up and/or remanded in any other case and in the aforesaid two cases the petitioner is on bail.

Considering the aforesaid, I am inclined to released the petitioner on bail subject to verification of the aforesaid facts mentioned in paragraph 3 of the bail petition. Let the court

below verify the aforesaid facts and if it is found that the petitioner is not sent up and/or remanded in five other cases stated hereinabove, the petitioner abovenamed shall be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Shri V.P. Modi, Judicial Magistrate 1st Class, Patna City on condition that one of the bailors of the petitioner shall be his father. As soon as the charges are framed, the petitioner shall appear in person on each date fixed at the trial. In case of default in doing so on two consecutive dates, the trial court shall cancel his bail bonds.

(Kishore Kumar Mandal, J)

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