

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30820 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -BARURAJ District- MUZAFFARPUR

1. Sanjay Sahani Son of Sri Mahesh Sahani resident of village -
Bhagwatiya, P.S. Kesaria, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.30331 of 2015

Arising Out of PS.Case No. -23 Year- 2015 Thana -BARURAJ District- MUZAFFARPUR

1. Anish Kumar Singh @ Anish Kumar S/o Shiv Balak Singh
2. Amarjeet Kumar Mahto @ Amarjeet Kumar S/o Yogendra Mahto Both
Resident of Village Chand Parsha, P.S. Kesariya, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.30820 of 2015)

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Chandra Bhushan Prasad(App)

(In Cr.Misc. No.30331 of 2015)

For the Petitioner/s : Mr. Shakti Suman Kumar

For the Opposite Party/s : Mr. Shailendra Kumar No.2 (App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 30-10-2015 Both the Criminal Miscellaneous arise out of the same
occurrence and as such both have been heard together and are
being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well
as the learned A.P.P.

The petitioners seek bail in a case for the offences punishable under section 395 of the I.P.C and section 27 of the Arms Act.

Allegedly, the informant Sakaldeo Rai after withdrawing the amount of Rs. 50,000/- from Punjab National Bank, branch Prasoninath was going and as soon as reached near Lord Hanuman Temple situated at Khantari, five miscreants on two motorcycle surrounded him and on the point of pistol snatched Rs. 50,000/- and on alarm being raised the nearby persons started assembling and three miscreants started fleeing away with two motorcycle and two miscreants started fleeing away on foot and after chase two were caught who disclosed their names as Anish Kumar Singh and Amarjeet Kumar Mahto, petitioners in Cr. Misc. No. 30331 of 2015, and further they disclosed the names of other co-accused. During investigation from possession of Sanjay Sahani the amount of Rs. 45,000/- was recovered on the basis of his confessional statement.

Submission is of false implication and that no weapon was recovered from possession of Anish Kumar Singh and Amarjeet Kumar Mahto, they have been made victim of the circumstances. They were returning from the house of their relative and in confusion they have been arrested as seeing chaos

both started fleeing away. They have not stated names of any one. Neither the petitioner Sanjay Sahani has been put on test identification parade nor the recovered amount has been put on test identification parade and as such the petitioners deserve sympathetic consideration, to which the learned A.P.P. opposes.

In the facts and circumstances as stated above, considering detention of the petitioners they are directed to be released on bail after framing of charge on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri V.K. Choubey, J.M. 1st Class, Muzaffarpur in Baruraj P.S. Case No. 23 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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