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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22323 of 2016

Arising Out of PS.Case No. -37 Year- 2015 Thana -WEST CHAMPARAN GRP CASE District-WESTCHAMPARAN(BETTIAH)

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1. Sudhir Sahani @ Sudhar Sahani Son of Late Suresh Sahani Resident of Mohalla - Agarwa Motihari, P.S. - Motihari Town, District - East Champaran. .... Petitioner

Versus

1. The State of Bihar. ... . Opposite Party

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Appearance :
For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Sanjay Kr.Tiwary 1(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

4 05-07-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

The petitioner seeks bail in connection with Sugauli (G.R.P. Bettiah) Case No. 37 of 2015 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

The petitioner is not named in the first information report which is against 7-8 unknown for committing train dacoity. During investigation one Chandan Kumar Singh was apprehended on the basis of tower location of the mobile. Subsequently he confessed his guilt and disclosed the name of his associates, the name of the petitioner transpired in the confessional statement of Suraj Kumar, Munna Singh and thereafter the petitioner was arrested and he also confessed his guilt.

It is submitted that the petitioner is in custody since

25.01.2016 but he has not been put on test identification parade, nothing has been recovered from his conscious possession and besides two cases there is no other case against him. Other similarly situated co-accused, namely, Santosh Sah, Munna Sah, Chandan Kumar Singh and Amit Sah have been allowed bail by another co-ordinate Bench of this Court to which learned APP does not oppose.

In the facts and circumstances stated above, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Bettiah in connection with Sugauli (G.R.P.) Bettiah P.S. Case No. 37 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 petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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