

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24483 of 2016

Arising Out of PS.Case No. -5 Year- 2016 Thana -KANTI District- MUZAFFARPUR

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Shyam Sundar Sahni, Son of Paras Nath Sahani, Resident of village- Paroo Nahar,
P.S. Paroo, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amir Alam, Advocate.

For the Opposite Party/s : Mr. Uday Chand Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 08-06-2016

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in Kanti P.S. Case No. 05 of 2016
dated 04.01.2016 instituted under Section 399, 402, 412, 414 of the Indian
Penal Code, Sections 25(1-b) a, 26(ii)/35 of the Arms Act and Sections
20/22 of the Narcotic Drugs and Psychotropic Substance Act .

The allegation against the petitioner is of buying a motorcycle
which was looted in Kanti P.S.Case No. 592 of 2015.

Learned counsel for the petitioner submits that as per the FI.R
itself, the accused persons have disclosed that the motorcycle looted by
them in the other case was sold to the petitioner for Rs. 8000/-. Learned
counsel submits that the petitioner was neither aware of the fact that
motorcycle was looted/ stolen property being the subject matter of another
criminal case. It is submitted that the petitioner, due to recovery of the
motorcycle from him, has been made accused in the present case as well as

in the other case i.e., Kanti P.S. Case No. 592 of 2015 and except for the same, he is not accused in any other case. Learned counsel has drawn attention of the Court to Annexure-2, which is order dated 10.05.2016 passed by a co-ordinate Bench of this Court in Cr. Misc. No. 19680 of 2016 by which one of the accused namely, Pappu Kumar, who is alleged to have been handed over the motorcycle for being sold, has been granted bail. Learned counsel submits that the petitioner is in custody since 05.01.2016.

Learned A.P.P. opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, Muzaffarpur in Kanti P.S. Case No. 05 of 2016 subject to the condition that one of the bailors shall be a close relative. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

Sujit/Ravi

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