

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52542 of 2015

Arising Out of PS.Case No. -72 Year- 2014 Thana -PUSA District- SAMASTIPUR

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1. Birju Sahni; S/o Bindeshwar Sahni @ Bindi Sahni; Resident of Village Sambhupatti; P.S. Samastipur (Muffasil); District Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Subhash Chandra Mishra (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 10-02-2016 Heard learned counsel for the petitioner and learned A.P.P. representing the State.

The petitioner seeks bail in connection with Session Trial No. 281 of 2015 arising out of Pusa P.S. Case No. 72 of 2014 registered for the offences punishable under Section 395 and 379 of the Indian Penal Code.

Supplementary affidavit has been filed on behalf of the petitioner annexing the copy of order passed in criminal Misc. No. 50451 of 2015 wherein co-accused Rajesh Sahani @ Rajesh Sahni has been allowed bail by another co-ordinate Bench of this Court and also copy of deposition of informant Manoj Kumar and Vinod Sah Pw.1 and PW-2 in Session trial No. 281 of 2015 wherein they have not identified the petitioner, keep it on the

record.

The petitioner wants to renew the prayer of bail which was earlier rejected by order dated 10.04.2015 on the ground that he by remaining in custody since 5.09.2014 now has been sufficiently penalized and co-accused who has confessed has already been allowed bail. The petitioner has been made accused in other cases due to high handedness of the police and as such he deserves sympathetic consideration. The alleged motorcycle was not recovered from conscious possession of the petitioner and only it has been alleged that the petitioner was trying to start the motorcycle and flee away.

Learned A.P.P. fairly submits that now considering the period of detention of the petitioner lenient view can be taken.

In the facts and circumstances stated above, considering the period of detention of the petitioner, the petitioner 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 5th Additional District and Session's Judge, Samastipur in connection with S.T No. 281 of 2015 arising out of Pusa P.S. Case No. 72 of 2014 subject to the conditions that one of the bailors must be 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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