

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5850 of 2017

Arising Out of PS.Case No. -87 Year- 2016 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

=====

Mahesh Sahani, son of Ganu Sahani, resident of Village-Tirlokwa, P.S.-
Kesariya, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Sri Chaubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 08-02-2017 Heard learned counsel for the petitioner and learned
APP appearing on behalf of the State.

The petitioner seeks regular bail in connection with
Kesariya P.S. Case No. 87 of 2016 registered for the offence
punishable under Section 414 of the Indian Penal Code.

On information, the police reached at the place of
Asha Devi where the local people handed over this petitioner to
the police on the allegation that he was caught red handed while
committing theft of a cycle. It has further been alleged that on
search, a motor-cycle was also recovered from the house of this
petitioner.



Learned counsel for the petitioner submits that no recovery was made in his presence, which is evident from the seizure list, which does not contain his signature. He has falsely been implicated merely on suspicion and he is in custody since 28.06.2016.

Learned APP for the State opposed the submission.

On perusal of seizure list which is attached with F.I.R., I find that this seizure list was prepared at the house of this petitioner. The seizure list does not bear the signature of this petitioner. The alleged recovered motorcycle is not the subject matter of the present case. It further appears that there is no seizure list with respect to the cycle which was seized from the possession of this petitioner in presence of local people. The Fardbeyan was recorded at 10.30 AM where as the seizure list of motorcycle was prepared at 5 PM. This petitioner is in custody since 28.06.2016

Considering the nature of allegation and the facts and circumstances stated above, the prayer for bail application is allowed. The petitioner, Mahesh Sahani, is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the each amount to the



satisfaction of the learned Chief Judicial Magistrate, Motihari,
East Champaran in connection with Kesariya P.S. Case No. 87
of 2016.

(Sanjay Kumar, J)

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