

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43760 of 2017

Arising Out of PS.Case No. -107 Year- 2017 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Gauri Shankar Sahani Son of Brij Sahani, R/o Village- Chakerpeta, P.S.-
Fenhara, District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Murli Dhar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
09.05.2017 in connection with Madhuban P.S. Case No. 107 of
2017 for offences punishable under Sections 411, 413, 414 of the
Indian Penal Code.

The prosecution case, as lodged by the informant police
personnel, is during course of vehicle checking, the petitioner was
apprehended in a motorcycle, who could not produce any paper of
the motorcycle. On his confessional statement raid was conducted
in his house and parts of two motorcycles were found.
Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that his extra-judicial confessional statement before the police has no evidentiary value in the eye of law and he is not involved in purchase and sale of stolen motorcycles. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that petitioner does not have a clean antecedent and as many as two cases are pending against him.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-IV, East Champaran at Motihari, in connection with Madhuban P.S. Case No. 107 of 2017, subject to the following conditions :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) If the petitioner indulges in an offence of similar nature



in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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