

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25813 of 2017

Arising Out of PS.Case No. -775 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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1. Santosh Sahani Son of Gurdeli Sahni Resident of Village-Nandpur, P.S.-
Muffasil District-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ashlam Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-07-2017

Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since
16.01.2017 in connection with Motihari Town P.S. Case No.
775/16 for offences punishable under Sections 457, 380 of the
Indian Penal Code.

The prosecution case, as lodged by the wife
of Ex-District Education Officer, East Champaran, is that
between 24.11.2016 to 27.11.2016 while the house was vacant
and while he was away and was being looked after by one
Daya Nand Kumar, a theft was committed which was
informed by the said Daya Nand Kumar. T.V. Inverter with
battery, fans and other household items have been alleged to



be stolen.

It has been submitted by the learned counsel for the petitioner that he is innocent, the items seized from the possession of the petitioner belonged to him and no Test Identification Parade has been done so far. He submits that another co-accused, namely, Mantu Sahani @ Mantu Kumar has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 24302 of 2017 on 24.05.2017 on similar allegations. It is submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

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-IXth, East Champaran at Motihari, in connection with Motihari Town P.S. Case No. 775/16, subject to the condition that one of the bailors would be a close relative of the petitioner, who shall have sufficient immovable property within the



jurisdiction of the concerned police station and who will file affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

Rajesh/-

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