

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18884 of 2018

Arising Out of PS.Case No. -476 Year- 2017 Thana -SARAIYA District- MUZAFFARPUR

- =====
1. Ramu Sahni, S/o Sant Lal Sahni,
 2. Bhajju Sahni S/o Fudeni Sahni, Both R/o Village- Sanathi, P.S.-
Bochahan, District- Muzaffarpur.
- Petitioners.

Versus

1. The State of Bihar

.... Opposite Party/s

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WITH

Criminal Miscellaneous No.27343 of 2018

Arising Out of PS.Case No. -476 Year- 2017 Thana -SARAIYA District- MUZAFFARPUR

- =====
1. Ranjit Sahani S/o Ramchandra Sahani, R/o Vill.- Bhagwanpur Dariha,
P.S.- Bochahan, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.18884 of 2018)

For the Petitioner/s : Mr. Sanjay Kumar @ S.K, Adv.

For the Opposite Party/s : Mr. Ramchandra Sahani, A.P.P.

(In Cr.Misc. No.27343 of 2018)

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Adv.

For the Opposite Party/s : Smt. Meena Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**
ORAL ORDER

04 18-05-2018

Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners seek bail in Saraiya P.S. Case No.
476 of 2017 registered under Section 379, 401, 411, 414, 120(B),
34 of the Indian Penal Code and 25(1-b)a/26/35 Arms Act.

26 persons are said to have uprooted the ATM



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machine from its kiosk and were carrying the same. Four accused persons named in the F.I.R. were apprehended in course of carrying the ATM machine while the petitioner-Ranjit Sahani, who happens to be driver of the pickup van in which the gas cylinder and gas cutter etc. were found, was apprehended from the said pickup van along with other accused persons and some accused persons managed to escape.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and they have no concern with the aforesaid occurrence. They have been falsely implicated in this case. There is nothing in the record indicating the complicity of the petitioners in the occurrence barring the confessional statement of Kamlesh Kumar which has no evidentiary value in the eye of law. No incriminating article has been recovered from the conscious physical possession of the petitioners. Petitioner-Ranjit Sahani happens to be driver of the pickup van and has no knowledge of loading the gas cylinder and gas cutter etc. on his vehicle by the other accused persons. They have no criminal antecedent. The petitioner-Ramu Sahani and petitioner-Bhajju Sahani have been languishing in custody since 14.01.2018 while petitioner-Ranjit Sahani has been languishing in custody since 23.12.2017.



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On the other hand, learned A.P.P. appearing for the State vehemently opposed the bail petitions.

In the facts and circumstances of the case, as the petitioners-Ramu Sahani and Bhajju Sahani were not apprehended on the spot and their names emerged in the confessional statement of co-accused, they are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-judge 1st –cum-Additional Chief Judicial Magistrate 1st (West), Muzaffarpur in connection with Saraiya P.S. Case No. 476/2017.

Prayer for bail of petitioner-Ranjit Sahani, the driver of the pickup van from which gas cylinder and gas cutter etc. were recovered, is hereby rejected. However, the learned trial court is directed to conclude the trial as expeditiously as possible preferably within nine months from the date of receipt / production of a copy of this order.

(Prakash Chandra Jaiswal, J)

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