

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42383 of 2018

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Umesh Sahani, Son of Yogi Sahani, resident of village – Chakia Bhaishaha,
P.S.-Chakia, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Shailendra Kumar-1

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 13-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 399, 402 and 414 of the Indian
Penal Code and Sections 30(a) and 37(b) of the Bihar Prohibition
and Excise Act, 2016.

Theft of the water pump was committed in the shop
of the informant on 16.09.2017 and the petitioner along with four
accused persons were spotted consuming liquor in the sugar mill
located in the vicinity of said shop. Out of them, two accused
persons namely Ram Pukar Sahani and Hariom Sahani were
apprehended while three accused persons including the petitioner
managed to escape and from the house of Balinder Sahani, stolen
articles were recovered.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has been falsely implicated in the case by the informant due to animosity. Informant has already filed a case of theft against the petitioner. He has not consumed any liquor. He happens to be teetotaler. He was not apprehended on the spot. He has been languishing in custody since 16.01.2018.

Considering the facts aforesaid, the above named petitioner is directed to 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 the learned 7th A.D.J. cum Special Judge, Excise, East Champaran, Motihari in connection with Tr. No. 356/18 arising out of Chakia P.S. Case No. 256 of 2017.

(Prakash Chandra Jaiswal, J)

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