

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41453 of 2018

Arising Out of PS.Case No. -1 Year- 2018 Thana -SAKRI District- MADHUBANI

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JAGNATH SAHANI @ JAGAN NATH SAHANI S/o Bishundeo Sahni@
Kari Sahni Resident of Village- Bhithi Maj Gam, P.S. Sonuki, District-
Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

Petitioner is languishing in judicial custody since
19.03.2018 in connection with Sakari P.S. Case No. 01 of 2018 for
offences punishable under Section 392 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while he along with his colleague were returning in a
motorcycle along with cash of Rs. 1,80,000/-, two miscreants in a
motorcycle came and snatched the bag containing money and the
keys of the motorcycle.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and his name
surfaced on the confessional statement of co-accused which has no



evidentiary value in the eye of law. He submits that although he has criminal antecedent but it was a case under the Arms Act in which no arms were recovered from his possession and in which he has been granted the privilege of bail by the learned court below itself. He submits that nothing has been recovered from his possession, 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.

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 Chief Judicial Magistrate, Madhubani in connection with Sakari P.S. Case No.01 of 2018, subject to the conditions that:

(1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(2) 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)

Devendra/-

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