

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6119 of 2019

Arising Out of PS. Case No.-76 Year-2009 Thana- CHAKIA District- East Champaran

KAMAL SAHANI, son of Bihari Sahani, Resident of village-Bahuara Bhan,
P.S. Madhuban, Dist. East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 29-03-2019 Petitioner seeks bail in anticipation of his arrest in connection with Chakia P.S. Case No. 76 of 2009, registered for the offences punishable under Section 394 IPC and subsequently Sections 395, 397 and 412 IPC were added.

Allegation as per FIR is that petitioner has committed theft idols of God made by Sangrampur stone and petitioner is not named in the FIR. However, his name transpired in the confessional statement of co-accused Ashok Bhagat.

Submission of learned counsel for the petitioner is that except confessional statement there is nothing against him and he has no criminal antecedent.

Heard learned APP also, who has opposed the prayer for anticipatory bail stating that process under Sections 82 & 83 Cr.P.C. has already been issued against the petitioner.



Having heard both sides and in the facts and circumstances, this application is disposed of with a direction to the learned court below to verify the fact as to whether process under Sections 82 & 83 Cr.P.C. has been issued against the petitioner. If not, the petitioner shall be released on bail by the court below to its own satisfaction and if process has been issued against the petitioner, this order has no effect and in that event, the petitioner has to surrender and make prayer for regular bail.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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