

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12611 of 2019

Arising Out of PS. Case No.-97 Year-2017 Thana- AMNAUR District- Saran

RAJU KUMAR SAHANI, aged about 21 years, Male, son of Shyambabu Sahni, Resident of Village- Pahetiya, P.S.- Hajipur Sadar, District- Vaishali at Hajipur ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Niranjana Parihar

For the Opposite Party : Mr. Asha Devi

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-03-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 27.02.2018 in connection with Amnaur P.S. Case No. 97 of 2017 for the offence alleged under Section 392 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he had appeared in his exams and returning on a motorcycle, four unknown persons snatched his motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the first information report and it is only on the confessional statement of the co-accused, Abhimanyu Kumar Mahto, made before the police, which has no evidentiary value in the eye of law, he has been made accused in the present case.



He, further, submits that charge sheet has already been submitted and he is languishing in judicial custody since more than one year. Test identification parade has not been conducted as yet. He submits that one of the co-accused, named on the confessional statement, has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 20427 of 2018, dated 04.05.2018.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and two more cases of similar nature are pending against him, although he is on bail in the said two cases.

Considering the facts and circumstances and the materials on record as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Amnaur P.S. Case No. 97 of 2017 to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra, subject to the following conditions :

(i) 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.

(ii) 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)

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