

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10105 of 2019

Arising Out of P.S. Case No.-94 Year-2018 Thana- KATIHAR GRP CASE District- Katihar

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KRISHNA KUMAR SAHNI, aged about 28 years, male, Son of Late Umesh Sahni Resident of Village- Koreya Havetapur, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-02-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 12.10.2018 in connection with Barauni Rail P.S.Case No.94 of 2018 for the offence alleged under Section 379 of the Indian Penal Code.

The prosecution case as lodged by the informant is that while he was travelling in the train along with his family members, four mobiles, ATM card and Identity Card have been stolen away by unknown criminals.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR and his name surfaced on the basis of confessional statement of co-accused who is a mobile shop owner where the petitioner was



found selling the stolen mobiles and on his confessional statement before the police the petitioner has been made accused which has no evidentiary value in the eye of law. He further submits that chargesheet has already been submitted, there being no allegation of tampering with the prosecution evidence and that the petitioner is languishing in judicial custody since more than four months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and indulges in rail robbery as two more cases of similar nature is pending against him.

Considering the facts and circumstances and the materials on record, 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 Barauni Rail P.S.Case No.94 of 2018 to the satisfaction of learned Additional Chief Judicial Magistrate/Rail Barauni, District-Begusarai, 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) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) 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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