

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10704 of 2019

Arising Out of P.S. Case No.-682 Year-2018 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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BIRENDRA SAHNI, Male aged about 60 years, Son of Late Madho Sahani
Resident of Village - Barkagaon, P.S.- Karja, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate
For the Opposite Party/s : Mr.Ramchandra Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-02-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
03.11.2018 in connection with Kanti P.S.Case No.682 of 2018
for the offence alleged under Sections 395 and 397 of the Indian
Penal Code.

The prosecution case as lodged by the informant is
that while he along his family members after taking food were
resting in the house, they heard sounds and when his brother and
nephew went out, 25-30 persons suddenly appeared and one of
them hurled bomb which hit neighbour's child. Thereafter, some
of the accused entered the house and stole away gold and silver
jewelry by breaking open almirah and boxes and one of the co-



accused hurled bombs on the door of the informant.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR, bears no criminal antecedent and no specific allegation is alleged against the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner and chargesheet has been submitted, there being no allegation of tampering with the prosecution evidence. He further submits that his name surfaced during investigation on the confession of spy before the police which has no evidentiary value in the eye of law and no test identification parade has been done so far.

However, learned APP for the State opposes the prayer for bail.

Considering the materials on record and the period of custody as well as that chargesheet has already been submitted, 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 Kanti P.S.Case No.682 of 2018 to the satisfaction of learned Sub Divisional Judicial Magistrate, (West), Muzaffarpur, 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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