

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.13430 of 2019

Arising Out of PS. Case No.-469 Year-2018 Thana- KESARIA District- East Champaran

LALU KUMAR SAHANI, aged about 28 years, Male, Son of Shiv Bachan,
Sahani, Resident of Chan Parsa, P.S.- Kesariya, District - East Champaran
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Krishna Kant Singh, Adv.

For the Opposite Party : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 07-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
02.11.2018 in connection with Kesariya P.S. Case No. 469 of
2018 for the offences alleged under Sections 420 and 379 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she had gone to withdraw money from the Bank of
India, one unknown person helped her in filling the form and
after she withdrew the money, he took the money for change in
small denomination and fled away with the cash of Rs.30,000/-.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case. He submits that
charge sheet has already been submitted, there being no
allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for
the State opposes the prayer for bail stating therein that as per



the close circuit television camera footage the Chowkidar has recognized the petitioner and on his own confessional statement Rs.15,000/- out of Rs.30,000/- was recovered from the house of the petitioner.

Considering the period of custody, the nature of allegation and that charge sheet 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 Kesariya P.S. Case No. 469 of 2018 to the satisfaction of the learned Additional Chief Judicial Magistrate, III, East Champaran at Motihari, 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)

Shamshad/-

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