

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15443 of 2019**

Arising Out of PS. Case No.-22 Year-2017 Thana- PHENHARA District- East Champaran

RAJA SAHANI Son of Bhola Sahani @ Bhola Chaudhary Resident of
Village- Hathiyahi Chakardesh, P.S.- Piprakothi, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Anant Kumar 1

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 15-03-2019 Learned counsel for the petitioner submits that inadvertently the criminal antecedent of the petitioner has not been mentioned in paragraph 3 of the present application wherein he has stated that the petitioner has no criminal antecedent, but in paragraphs 7 and 9 the petitioner has mentioned that one case has been lodged against him being Phenhara P.S. Case No. 25 of 2017 and he has been remanded in the present case on 15.09.2018. Hence, petitioner is permitted to make necessary correction in paragraph 3 of the present application indicating the criminal antecedent of the petitioner.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
15.09.2018 in connection with Phenhara P.S. Case No. 22 of



2017 for offences punishable under Section 379 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that he had parked his motorcycle in front of his house but in the morning he found his motorcycle missing.

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 confessional statement of one Arun Sahani in Phenara P.S. Case No. 25 of 2017 wherein the stolen motorcycle has been recovered from the possession of the said co-accused Arun Sahani, who, in his confessional statement before the police, has named the petitioner and other co-accused being member of the gang. He further submits that the stolen motorcycle has not been recovered from the possession of the petitioner, he is languishing in judicial custody for six months and charge-sheet has already been submitted there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is also involved in one another case of similar nature and, as such, he does not bear a clean antecedent.

Considering the nature of allegations and the



materials on record as well as the period of custody, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-12, Motihari, East Champaran, in connection with Phenara P.S. Case No. 22 of 2017, subject to the following conditions :

1. 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.
2. 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)

Rajesh/-

U		T	
---	--	---	--

