

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70141 of 2018

Arising Out of PS. Case No.-33 Year-2017 Thana- BHAGWANPUR District- Vaishali

Tribhuban Sahni S/o Late Kaleshwar Sahni, R/o Village- Karhatiya Paharpur,
P.S.- Mahua, District- Vaishali.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Rina Sinha, Advocate

For the Opposite Party : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner, who is in custody since 27.02.2017 in connection with Bhagwanpur P.S. Case No. 33 of 2017 for the offences alleged under Section 414/120(B) of the Indian Penal Code and Sections 30(a), 32(ii), 38 and 41(ii) Bihar Excise and Prohibition Act, 2016, has renewed his prayer for bail having been rejected earlier by order dated 01.07.2017 passed in Cr. Misc. No. 25404 of 2017.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and similarly situated co-accused Kalam, who was the driver of the container truck, has been released on bail vide order dated 30.06.2017, a day prior to the rejection of the petitioner's prayer for bail. The petitioner was taken into custody on 27.02.2017 and has already suffered almost two years in custody. There is only one prior case in which the petitioner has been made accused.

4. Be that as it may, having regard to the entirety of the facts and circumstances of the case and having regard to the period of



custody of the petitioner since 27.02.2017, let him be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge II, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 33 of 2017, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

BT/Chandran

(Vikash Jain, J)

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