

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24204 of 2019

Arising Out of PS. Case No.-285 Year-2018 Thana- KESARIA District- East Champaran

FULESHWAR SAHANI Son of Nophil Sahani, Resident of Village-Bathana,
Police Station-Keshariya, District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 18-07-2019 Heard learned counsel for the petitioner and learned APP for
the State.

2. The petitioner apprehends his arrest for the offences alleged under Section 395 IPC registered in connection with Keshariya P.S. Case No. 285 of 2018.

3. It is submitted that the petitioner has been falsely implicated on the accusation of theft of Rs. 1,20,000/- and a mobile phone from the Indane Gas Agency of the informant. The petitioner is not named in the FIR, which is against six unknown persons. Except the extra judicial confessional statement of co-accused Mukesh Sahani there is no objective material to connect the petitioner with the alleged occurrence. No recovery of any incriminating articles have been made from the possession of the petitioner. The petitioner claims clean antecedents.

4. Learned APP has not pointed out any objective materials from the case diary to connect the petitioner with the alleged occurrence.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner 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 ACJM III, East Champaran at Motihari, in connection with Keshariya P.S. Case No. 285 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further 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 co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. 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.

(Vikash Jain, J)

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