

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37775 of 2019

Arising Out of PS. Case No.-36 Year-2019 Thana- SARAI District- Vaishali

OM PRAKASH SAHNI, aged about 21 years, Male, Son of Mohan Sahni,
Resident of Patepur, P.S.- Kartaha, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Vasant Vikas, Advocate.
For the Opposite Party : Mr.Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 21-06-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
08.02.2019 in a case for the offence registered under Sections
379 and 414/34 of the IPC.

The prosecution story, in brief, is that on 07.02.2019
at about 6.00 P.M., the informant parked his Motorcycle on the
door and entered into his house. Three persons trying to break
the lock of his Motorcycle then he shouted and with the help of
Villagers, two persons including the petitioner has been caught
and they disclosed the name of one Ravi Kumari who fled away
with the Motorcycle of the informant. One TVS Motorcycle has
been recovered from these persons. Thereafter, information was
given to Sarai Police Station and both the persons and TVS



Motorcycle handed over to the police.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. The petitioner has been made accused in the present case due to mistake of fact. The petitioner had no knowledge that the Motorcycle in question is stolen property. There is no compliance of Section 100 Cr. P.C.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M. Vaishali at Hajipur, in connection with Sarai P.S. Case No. 36 of 2019.

(Sudhir Singh, J)

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