

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3434 of 2019

Arising Out of PS. Case No.-75 Year-2018 Thana- KALYANPUR District- East Champaran

Deena Sahani @ Dina Nath Sahani, son of Late Bipat Sahani @ Vipati Sahani, Resident of village-Jhakhiya, P.S-Banjariya, District-East Champaran
... Petitioner

Versus

The State Of Bihar
... Opposite Party

Appearance :

For the Petitioner : Mr. Y.C. Verma, Sr. Adv. with
Mr. Anuj Kumar, Adv.
For the Opposite Party : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-01-2019 Heard Mr. Yogesh Chandra Verma, learned Senior Counsel assisted by Mr. Anuj Kumar, learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 30.06.2018 in connection with Kalyanpur P.S. Case No. 75 of 2018 for the offence alleged under Section 392 of the Indian Penal Code.

Allegation in the first information report is that four unknown persons in two motorcycles stopped the informant, who owns a jewelry shop, and snatched Rs.78,000/-, 60 gram gold, one kilogram silver, two mobiles and his motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the first information report, test identification parade has not been done so far and his name surfaced on the confessional statement of the co-accused,



Dharamdeo Sahani, who has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 67129 of 2018, dated 27.11.2018. He, further, submits that the charge sheet has already been submitted, there being no allegation of tampering of the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that as many as 18 cases are pending against the petitioner under the same offence and he is a habitual offender.

However, considering the facts and circumstances and the materials on record as well as the period of custody and nature of allegations, 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 Kalyanpur P.S. Case No. 75 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, 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) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on



two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) 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.

(iv) The petitioner will appear before the Superintendent of Police, East Champaran at Motihari, in the first week of every month till a certificate of conduct is given by the Superintendent of Police, failing which the prosecution will be at liberty to move the learned Court below for cancellation of his bail bond.

(Nilu Agrawal, J)

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