

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19910 of 2020

Arising Out of PS. Case No.-130 Year-2019 Thana- MUSAHARI District- Muzaffarpur

1. Radhe Sahani @ Radhe Shani (Male), aged about 23 years, S/o Madan Sahani, Resident of Village- Sarmani Chak, P.S.- Bochaha, District- Muzaffarpur.
2. Kartik Sahani @ Kartik Shani, (Male), aged about 22 years, S/o Ramchandar Sahani, Resident of Village- Sarmani Chak, P.S.- Bochaha, District- Muzaffarpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Chandra Shekhar Anand, Advocate.
For the Opposite Party : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in a case for the offences registered under Sections 414 and 413/34 of the I.P.C.



The prosecution case, in short, is that on 09.05.2019 at 5.30 hours, while the informant was doing vehicle check then the accused petitioners alongwith two other accused persons tried to escape and one of them was caught by the police who told his name as Vikash Kumar Sahni. The Motorcycle and knife alongwith other material were seized. The accused has no explanation nor any paper for possession of the Motorcycle was produced.

It has been submitted on behalf of the petitioners that the petitioners are in custody since 12.07.2019. They have falsely been implicated in the present case. Charge sheet has been submitted in this case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is no recovery of any incriminating article from possession of the petitioners. The name of the petitioners has transpired in the present case on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present case.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioners, above named, are



directed to be released on bail on their personal bond to the satisfaction of learned A.C.J.M. 15th-cum-Sub Judge, Muzaffarpur, in connection with Mushahari P.S. Case No. 130/2019.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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