

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20151 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Kapal Sahni, son of Late Saryug Sahni, resident of Village- Basant, P.S. Jale,
District Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Shama Sinha

For the Opposite Party/s : Mr. Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 07-09-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor representing the State, through

Video Conferencing.

The petitioner seeks regular bail in connection with

LNMU Darbhanga Police Station Case No. 45 of 2020,

registered for the offence punishable under Section 392 of the

Indian Penal Code.

The allegation, as per the First Information Report, is

that the informant is the manager of Bharat Financial Inclusion

Limited Company and on the alleged date of occurrence, when

he was working in his office, four unknown persons, all aged

about 25-30 years, entered into the premises of the company

from the back and demanded the key of the iron safe vault on



the gun point and they took away the iron safe vault along with them, having Rs. 1,98,780/- inside the said safe and also took away the mobile phone of the informant.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged inasmuch as from perusal of the First Information Report, it would be evident that the petitioner is not named in the First Information Report and on the date of occurrence, 3-4 persons, aged about 25-30 years, alleged to have entered into the office premises of the informant; whereas the petitioner is about 55 years old. She further submits that one co-accused Arjun Ram was arrested by the police and on the basis of whose confessional statement, the petitioner has been implicated in this case. She further submits that Arjun Ram, in his statement, has said that the looted money was distributed amongst the accused persons at his toddy shop and thereafter the broken iron safe vault was kept in the house of the petitioner. The confessional statement of Arjun Ram has been recorded by the police in paragraph 71 of the case diary. She further submits that said Arjun Ram has been granted bail by the Court below itself.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for bail and submits



that on the basis of confessional statement of Sudhir Sahni, the name of the petitioner has transpired in this case, which is recorded in paragraph 71 of the case diary and confessional statement of the petitioner has also been recorded by the police in paragraph 73 of the case diary. He further submits that the recovery of the iron safe vault from the house of the petitioner is indicative of petitioner's involvement in the alleged offence. According to learned Additional Public Prosecutor, the confessional statement of the petitioner leads to recovery and, thus, he is not entitled for grant of bail.

After having heard learned Counsel for the parties and taking into consideration the fact that the looted iron safe vault was recovered from the house of the petitioner in empty condition, I am inclined to grant regular bail to the petitioner **after framing of charge.**

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, **after framing of charge against the petitioner**, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Darbhanga, in connection with LNMU Darbhanga Police



Station Case No. 45 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding lockdown and social distancing.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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