

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21861 of 2020

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

MUKESH SAHANI, aged about 30 years, Sex-Male, Son of Dipa Sahani,
Resident of Village - Dharfari, P.S.- Dewariya, District - Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anish Chandra, Advocate.

For the Opposite Party : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-07-2020 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 petitioner 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 petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Section 395 of the IPC.

The prosecution story, in brief, is that on 18.07.2018
at 12.15 Noon, in the *Godown* of *Indian Gas Agency* of the



informant, the employee of informant are distributing the gas in between the customers, in the meantime, six unknown criminals covering their faces on three Motorcycles, arrived there and in fear of fire arms, looted RS. 1,20,000/- and during returning snatched a mobile phone of a customer.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 05.02.2020. The petitioner has falsely been implicated in the present case. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of his confessional statement made in connection with another case before the police. There is no recovery of any incriminating article from possession of the petitioner. The petitioner has not been put on T.I. Parade to suggest his participation in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is not named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of



the learned A.C.J.M.-III, East Champaran at Motihari, in connection with Kesariya P.S. Case No. 285/2018.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) 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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