

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23828 of 2020**

Arising Out of PS. Case No.-343 Year-2019 Thana- KESARIA District- East Champaran

Lalu Sahani @ Lalukumar Sahani, Son of Shiv Bachan Sahani, R/O Chand Parsa, P.S. - Kesariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh-1, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 09-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Kesariya P.S. Case No.343 of 2019 registered for the offence punishable under Section 392 of the Indian Penal Code.

The allegation is that two persons riding on a



Apache motorcycle have snatched money from the informant at pistol point.

Petitioner's counsel submits that implication of the petitioner is based on the statement of co-accused Guddu Kumar Rai during his confessional statement. It is submitted that the specific statement regarding snatching of the amount at pistol point is stated by co-accused Guddu Kumar Rai in respect of himself and one Deepak Kumar. In respect of the petitioner, he has stated that the petitioner facilitated the incident by intimating the movement of the informant. It is submitted that such statement which has led not to any recovery from the petitioner has no evidentiary value. It is further submitted that it is a case of false implication and even the confessional statement does not attribute any overt act of looting against the petitioner. The petitioner is on bail in Kesariya P.S. Case No.469 of 2018 pending against him.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in



the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, East Champaran, Mothari, in connection with Kesariya P.S. Case No.343 of 2019, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks



from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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