

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27596 of 2020

Arising Out of PS. Case No.-907 Year-2019 Thana- AHYAPUR District- Muzaffarpur

SHYAM SAHANI, Son of - Sunil Sahani (wrongly mentioned in F.I.R. as Sudhir Sahani) Resident of Village- Balughat, Akharaghat, P.O.- H.P.O., Muzaffarpur, P.S.- Nagar, District- Muzaffarpur, State- Bihar, PIN- 842001.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar, APP

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-11-2020 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in connection with Ahiyapur P.S. Case No. 907 of 2019 for the offence under Sections 379, 411, 448, 452/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent. He further submits that it is alleged that on 01.02.2019 at 2.00 A.M., the informant on hearing the sound of falling articles woke-up and saw two thieves were committing theft in his house. The informant raised alarm, but one thief was caught red handed, who disclosed his name as Rohit Kumar and Rohit Kumar disclosed the name of his associate, who escaped as Shyam Sahani (petitioner). It is further alleged that escaped thief Shyam Sahani along with 5-10 male and female equipped with Lathi and Danda reached the



place of occurrence and assaulted the informant and his staff. After sustaining injury, the informant was taken to S.K.M.C. Muzaffarpur where on his written complaint, the present case was lodged.

Considering the fact that the petitioner has got no criminal antecedent, the petitioner named above, in the event of arrest or surrender before the court below within one month from the date of communication of this order, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 907 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the further conditions that the petitioner shall deposit Rs.25,000/- (Twenty five thousand) cash in the court below and the same shall be abide by the final outcome in the trial i.e. if the petitioner is acquitted the amount of Rs.25,000/- shall be refunded in favour of the petitioner, otherwise it shall be forfeited.

(Anil Kumar Upadhyay, J)

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