

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 27907 of 2020**

Arising Out of PS. Case No.-146 Year-2020 Thana- GORAUL District- Vaishali

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1. BIRAJU SAHANI @ BIRJU SAHANI S/o Suresh Sahani Resident of Village-Patepur, P.S.-Kartaha, District-Vaishali.
 2. Sudhir Sahani S/o Ruplal Sahani Resident of Village-Sahani Tola Mushari, P.S.-Musahari, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Rohit Kumar, Advocate

For the Opposite Party/s : Mr Md Fahimuddin, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-11-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

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

Heard learned counsel for the petitioners.

Mr Md Fahimuddin, APP is appearing as it is submitted that the brief has been allotted to him by the Office of Advocate General.

The petitioners seek bail in Goraul Kathara Police



Station (for brevity, *PS*) Case No 146 of 2020, GR No 1732 of 2020 instituted for the offence punishable under Sections 414/34 of Indian Penal Code.

The prosecution case is that the petitioners were standing along with a stolen motorcycle on the Mahua – Hajipur Road. The police have rushed to the spot. On seeing the police, they started fleeing away.

It is submitted by petitioners' counsel that the petitioners were bona fide passersby and were apprehended on 27.04.2020 being victim of the circumstances. They have no concern with the motorcycle and it is a case of false implication. It is further submitted that the petitioners bear no criminal antecedent and there is no independent witness of the seizure. There is also no compliance with the mandatory procedure of seizure prescribed under Section 100 of Criminal Procedure Code.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Additional Chief Judicial Magistrate I, Vaishali at Hajipur in Goraul Kathara PS Case No 146 of 2020, GR No 1732 of 2020 subject to the following conditions:-

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

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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