

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28944 of 2020

Arising Out of PS. Case No.-101 Year-2020 Thana- AURAI District- Muzaffarpur

UPENDRA SAHNI Son of Devilal Sahni Resident of Village - Barhad Tola,
P.S.- Hathauri, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kr. Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-11-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Sanjay Kr. Pandey, the learned APP for the State.

The petitioners seek regular bail in connection with Aurai PS case no. 101 of 2020 instituted for the offences punishable under Section 392 of Indian Penal Code.

The case of the prosecution in brief is that the informant, who is the Manager of the Consumer Service Center of the State Bank of India, had gone with one other person to S.B.I. Aurai for withdrawing money on 08.05.2020 at about 3 pm in the evening. It is further alleged that they had taken out a sum of Rs. 4,05,000/- from the Bank and the informant was



having a sum of Rs. 10,000/- from before which he had kept in a bag and had left the Bank at about 3.45 pm for his Center on his motorcycle and when the informant and his friend had reached at the alleged place of occurrence, unknown miscreants had overtaken the motorcycle of the informant and had hit the dicky of the motorcycle of the informant, resulting in the informant and his friend having fallen down on the road, whereafter the said miscreants had assaulted the informant with the butt of the pistol and then they had taken the bag of the informant filled with money and had fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 14.05.2020. It is further submitted that neither the petitioner is named in the FIR nor any test identification parade has been held so as to connect the petitioner with the alleged crime.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that no test



identification parade has been held so as to connect the petitioner with the alleged crime and the petitioner is languishing in custody since 14.05.2020, I deem it fit and appropriate to direct for release of the petitioner on bail, however subject to certain conditions. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIII-cum-Sub Judge XIV, Muzaffarpur.

This Court further directs that since the investigation of the present case is going on, the petitioner herein shall appear before the Officer-in-charge of the concerned police station on each and every Monday of the week at 10.00 AM and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-charge, the present privilege of bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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