

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28991 of 2020

Arising Out of PS. Case No.-18 Year-2020 Thana- RAXAUL District- East Champaran

CHHOTELAL SAHANI Son of Ram Bahadur Sahani Resident of Village-
Manjhariya, P.S.- Turkauliya (Ragunathpur O.P.), District- East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Ms. Pronati Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-11-2020 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.

Ms. Pronati Singh, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Raxaul PS Case No. 18 of 2020 registered under Section 379 of the IPC.

The informant's motorcycle has gone missing in the night



while he was asleep. The petitioner's implication is based on the alleged recovery of the motorcycle from near his house.

It is submitted that it is a case of false implication. The petitioner was merely standing near the motorcycle, though he had no connection with the same and has been made victim of the circumstances. He is in custody since 2.3.2020 and the recovery is not in accordance with Section 100 Cr.P.C. For the same offence he has also been made accused in Turkauliya (Raghunathpur) PS Case No. 41 of 2020. Other than these cases arising out of the sole incident he has no criminal antecedent.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM Raxaul, East Champaran at Motihari in Razaul PS Case No. 18 of 2020 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.

(Madhuresh Prasad, J)

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