

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.34141 of 2020**

Arising Out of PS. Case No.-307 Year-2019 Thana- KOTWA District- East Champaran

RAJENDRA SAHANI S/o Lakshman Sahani Resident of Village-
Chintamanpur Tikulia, P.S.- Pipra, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar .

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2020 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nand
Kumar, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Kotwa P.S. Case No. 307 of 2019
registered for the offence punishable under Section 394 of the
Indian Penal Code.

Learned counsel for the petitioner submits that as per
the FIR it is alleged that while the informant was on way to his
house through motorcycle, four miscreants intercepted him and
took out Rs. 10,000/- from his pocket and snatched his
motorcycle and the miscreants fled away.



Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that save and except the fact that his name has transpired in the confessional statement of co-accused Dheeraj Giri who was arrested by police in connection with Pipra P.S. Case No. 413 of 2019 and on the said basis this petitioner was also arrested in the said case and then has been taken on remand in the present case as well, there is no recovery of any incriminating article from the possession of the petitioner, there is no identification of the petitioner and so far as the three cases against the petitioner is concerned, in all the three cases he has been granted bail, the petitioner has remained in jail in connection with the present case for 11 months, investigation against him is complete, the trial is not likely to be concluded in near future and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each, to the satisfaction of learned Chief



Judicial Magistrate, East Champaran, Motihari in connection with Kotwa P.S. Case No. 307 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner.

And further condition that till conclusion of trial of this case the petitioner shall continue to make his presence once in a month in Pipra Police Station falling under the District of East Champaran and in case he is required to go outside for purpose of employment, he will furnish his correct address and mobile number to concern police station. Failure to abide by this condition shall result in an action by the Officer Incharge of the concerned police station requesting the learned court below for cancellation of bail bond of the petitioner.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

