

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79971 of 2019

Arising Out of PS. Case No.-132 Year-2018 Thana- KESARIA District- East Champaran

Deena Sahani @ Dina Nath Sahani, son of Late Bipat Sahani @ Vipati Sahani
Resident of Village - Jhakhiya, P.O.- Mukhlispur, P.S.- Banjariya, District -
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Asif Kalim

For the Opposite Party/s : Mr. Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-06-2020 The matter has been taken up through virtual

Court proceeding.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in jail since

01.09.2018 in a case registered for the offence

punishable under Section 392 of the Indian Penal

Code, 1860.

Earlier the prayer for bail of the petitioner

was rejected by a bench of this Court vide order dated

21.05.2019 passed in Cr. Misc. No. 21873 of 2019.

The prosecution case as per the written report



of Sanjay Kumar Baitha, submitted before the S.H.O., Kesariya Police Station is to the effect that on 10.05.2018 at 12:00 P.M., when the informant was going to Customer Service Centre while carrying Rs. 50,000/- for the purpose of depositing the same, when on the way, four unknown persons, on the point of revolver and knife, robbed the money as well as his motorcycle, leading to registration of the FIR against unknown.

The name of the petitioner has sprang up in the confessional statement of a co-accused during investigation.

Learned counsel for the petitioner has submitted that except confession of the co-accused, no cogent material has been collected against the petitioner. It is further submitted that neither any recovery has been made from the possession of the petitioner nor the petitioner has been put on Test Identification Parade.



The petitioner is accused in 18 cases but he is on bail in all those cases. A statement to that effect has been made in para 3 of the petition. The petitioner has maliciously been framed by the police in some of the cases. Moreover, co-accused Khedu Sahani has been granted bail by a Co-ordinate bench of this Court passed in Cr. Misc. No. 80405 of 2018 vide order dated 13.03.2019.

Considering the fact that F.I.R has been lodged against unknown, petitioner's name sprang up during investigation, there is no recovery from the possession of the petitioner, the petitioner has not been put on T.I. parade, the other co-accused has been granted bail and the investigation has been completed, let the petitioner, above named, be released on bail, for the present, provisionally for a period of three months on furnishing one surety to the satisfaction of learned Additional Chief Judicial Magistrate-II, Motihari, East Champaran in connection



with Kesariya P.S. Case No. 132 of 2018.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Motihari, East Champaran in connection with Kesariya P.S. Case No. 132 of 2018 including one surety given at the time of provisional bail.

The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in



next three months.

(Dinesh Kumar Singh, J)

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