

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15613 of 2021

Arising Out of PS. Case No.-37 Year-2018 Thana- PALASI District- Araria

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Laleshwar Sahni @ Raju Rabidas @ Lalu Sahni aged about 34 years/Male,
S/O Yogi Sahni @ Yogendra Cahudhari R/O Village-Hawai Adda, P.S.
Sahayak, District Katihar, At Present Village Chakan, P.S. Jairwabari,
District-Sahebganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Smt. Gulnar Begam A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 06-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Palasi P.S. Case No. 37 of 2018, registered for the offence under Section 395 of the Indian Penal Code.

As per the prosecution case, on 12.02.2018 at about 9:30 PM, while the informant was sleeping with his family members in house, at about 11:00 PM, 10-12 unknown miscreants entered his house and overpowered them on the strength of arms and thereafter, started looting house-hold articles, including jewellery and cash, from his house as well as from his shop and thereafter, fled away. Informant has further alleged that he would identify the culprits, if they are brought before him.



Petitioner is not named in the FIR. Name of the petitioner has come on the confessional statement of co-accused Md. Mohib Akhtar. Save and except confessional statement of co-accused, there is no material against the petitioner. No incriminating article has been recovered from the possession of the petitioner and till date, petitioner has not been put on T.I.P. Petitioner has been remanded in this case on 17.07.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances as well as the fact that no looted article has been recovered from the possession of the petitioner and till date, petitioner has not been put on T.I.P., the bail petition of petitioner is allowed.

Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Araria in connection with Palasi P.S. Case No. 37 of 2018, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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