

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18649 of 2021

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

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Santosh Sahni, male, aged about 26 years, Son of Ram Pratap Sahani
Resident of Village-Bagaravan @ Bagarban, P.S.- Nanpur, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Aurai P S Case No. 101 of
2020 instituted for the offence under Section 392 of the 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. 4,50,000/- 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. He has falsely been implicated in the present case and is languishing in custody since 20.05.2020 though he has no criminal antecedents. 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. Similarly situated co-accused, Upendra Sahni has been granted bail in Cr. Misc. no. 28944 of



2020.

The learned APP representing the State has 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 20.05.2020, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Muzaffarpur, in connection with Aurai P S Case No. 101 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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