

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20039 of 2021

Arising Out of PS. Case No.-274 Year-2020 Thana- BENIPATTI District- Madhubani

1. Rakesh Sahni @ Rakesh Sahani Son Of Brijnandan Sahni Resident Of Village - Karkauli, P.S.- Dewti Mabbi Op, Distt.- Darbhanga.
2. Sushil Sahni @ Sushil Sahani Son Of Dinesh Sahni Resident Of Village - Parsauni, P.S.- Pupri, Distt.- Sitamadhi.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-09-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Benipatti P.S. Case No. 274 of 2020 registered for the offence punishable under Sections 457, 380 of the Indian Penal Code.

As per the prosecution case, allegation against the petitioners is that they looted mobiles phones and cash of informant and other tenants who lived in the building of *Shiv Kumar Roy*. It is alleged that they looted mobile phones of Pankaj Kumar, Deobrat Kumar,



Deepak Kumar, purse of Manish Verma with cash of Rs. 1200, purse of Ratnesh Kumar with cash of Rs. 300, purse of Rajram with Cash of Rs. 3400, purse of Bipin Kumar with cash of Rs. 7000, purse of Bishal Kumar with cash of Rs. 1100 and they also broke the C.C.T.V. camera.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that on the basis of confessional statement made by petitioner No. 1, petitioner No. 2 has been made accused in the present case. He further submits that no any incriminating articles have been recovered from the possession of petitioner No. 1 *Rakesh Sahni* whereas, as per the seizure list seven mobile phones (Different Company) have been seized from the house of petitioner No. 2 *Shushil Sahni* but nobody claimed the said mobiles. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have five criminal antecedent and as has been mentioned in para 3 of this bail petition and they are languishing in custody since 21.10.2020.

Learned APP for the State vehemently opposing the bail petition submits that police has apprehended the petitioners and recovered the articles from petitioner No. 2.

In the facts and circumstances of the case, I am not inclined to grant privilege of bail to the petitioners in connection with Benipatti



P.S. Case No. 274 of 2020 to the satisfaction of learned A.C.J.M.
Benipatti, District - Madhubani.

Accordingly, the prayer for bail of the petitioners is hereby
rejected.

However, petitioners may renew their prayer for bail **after**
framing of charge.

(Anjani Kumar Sharan, J)

GAURAV S./-

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