

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33597 of 2021

Arising Out of PS. Case No.-828 Year-2019 Thana- KUDHNI District- Muzaffarpur

RAHUL SAHNI Son of Binda Sahni Resident of Village - Basanta Jahanabad
Tole Balha Jahanabad, P.S.- Lalganj, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Kudhani P.S. Case No. 828 of 2019 registered for the offence under Sections 395 of the Indian Penal Code and Section 25(1-b)a, 26 and 35 of the Arms Act.

Unknown persons, 5 to 6 in numbers, are said to have committed loot in the Bank to the extent of Rs. 12,61,524/- along with D.V.R. of C.C.T.V and mobile phones of customers.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in



this case. In fact, the petitioner has not been named in the F.I.R and merely on the basis of confessional statement of the co-accused, namely, Chhotu Kumar @ Rakesh Kumar and Suman Kumar Bhagat, this petitioner has been apprehended in this case. Save and except the confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. No looted articles as alleged in the F.I.R. or anything incriminating have been recovered from the possession of the petitioner. Moreover, the co-accused, namely, Chhotu Kumar @ Rakesh Kumar on whose disclosure, the petitioner has been remanded in this case, has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.11.2021 passed in Cr. Misc. No. 29430 of 2021. The petitioner is rotting in judicial custody since 16.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 Additional Chief Judicial Magistrate-1st, West Muzaffarpur in connection with Kudhani P.S. Case No. 828 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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