

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33928 of 2020

Arising Out of PS. Case No.-335 Year-2019 Thana- PAROO District- Muzaffarpur

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Bijendra Sahani @ Birju Sahani (Male-34 years), Son of Harendra Sahni
Resident of Village - Bashantpur Patti, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar, Adv.

For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 26-02-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

In this case, the petitioner is seeking bail in connection with Paroo P.S. Case No. 335 of 2019 registered for offences under sections 394 of the Indian Penal Code.

The prosecution story, in short, is that on 18.8.2020 at 5.45 pm, the Informant was going to his sister's house on motorcycle. On the way, three accuse persons intercepted him and, on the point of knife, snatched his motorcycle along with a mobile. They also assaulted him by knife on his left arm.

The police started investigation and, on the basis of the statement made in different case by another co-accused, the petitioner has been remanded in the present case and he is in jail since 6.1.2020 i.e. for more than one year.



The petitioner has two criminal cases over his head but, learned counsel for the petitioner submits that in this case, the petitioner has been remanded on the basis of the confessional statement and, therefore, that cannot be used as a criminal antecedent against the petitioner.

Learned counsel for the State has opposed the prayer for bail of the petitioner.

Looking to the entire facts and circumstances of the case as also considering the period of custody, 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 learned Additional Chief Judicial Magistrate 3rd (West), Muzaffarpur in connection with Paroo P.S. Case No. 335 of 2019, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates, the court below will be at liberty to pass the order, including cancellation of bail bonds and (iv) the



petitioner will report to the Paroo police station by 7th of every month for at least three months and in case of failure without any valid rhyme or reason, the bail of the petitioner will be treated to have been canceled.

(Shivaji Pandey, J)

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