

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7287 of 2021

Arising Out of PS. Case No.-227 Year-2019 Thana- LALGANJ District- Vaishali

Umesh Sahni aged about 40, Years Male son of Fakira Sahni, Resident of village- Koa Mohabbatpur, P S-Lalganj, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Mishra, Advocate
For the State : Ms. Meena Singh APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2. Heard learned counsel for the petitioner and learned counsel for the State

3. The petitioner seeks bail in Lalganj PS Case No. 227 of 2019, instituted for the offence under Sections 420, 467, 468, 471, 414/34 of the Indian Penal Code.

4. 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.

5. Co-accused Srinath Singh @ Bikky Singh @ Srinath Kumar @ Vikky was apprehended while moving on a stolen motorcycle. The same, as per prosecution case, has revealed the racket of indulging in sale and purchase of stolen motorcycles, wherein, the petitioner's name has also surfaced.



6. The learned counsel for the petitioner submits that his implication is only on the basis of statements of co-accused Srinath Singh @ Bikky Singh @ Srinath Kumar @ Vikky having no evidentiary value. The alleged recovery of stolen motorcycle from his house is denied and disputed. It is submitted that the same is not in accordance with law and, admittedly, in his absence. The petitioner is in custody since 22.10.2020 though he has no criminal antecedents whereas co-accused Srinath Singh @ Bikky Singh @ Srinath Kumar @ Vikky who has stated about the petitioner's complicity has been allowed bail in Cr. Misc. No. 62786 of 2019.

7. The learned APP representing the State has opposed the prayer for bail .

8. Considering the rival submissions, 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 ACJM XIV Vaishali at Hajipur, in connection with Lalganj PS Case No. 227 of 2019, 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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