

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7668 of 2021

Arising Out of PS. Case No.-109 Year-2020 Thana- TISIAUTA District- Vaishali

SHYAM KUMAR SAHANI SON OF CHANDESHWAR SAHNI
RESIDENT OF VILLAGE- WARD NO 19, RAE BUZURG, PS -
SARAIKARANJAN, DIST.- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Adv.

For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-06-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner 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 petitioner seeks bail in connection with Tisiauta P.S. Case No.109 of 2020 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, the informant along with one staff were going towards Mahua from their respective motorcycles with Rs.33,475/- earned in favour of their company.



In the meantime, three accused persons came on a motorcycle, stopped them and on the point of pistol snatched altogether Rs.33,475/- from the informant along with other documents, mobile phone and his motorcycle.

It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has been falsely implicated in this case due to ulterior motive. No such occurrence as alleged ever took place. He is neither named in the F.I.R. nor was apprehended on the spot. His name transpired in this case only on the basis of extra-judicial confession of one co-accused Bikant Kumar. No incriminating article has been recovered from his conscious physical possession nor any T.I. Parade was conducted. The petitioner has no criminal antecedent and has been languishing in custody since 01.10.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Hajipur, Vaishali, in connection with Tisiauta P.S. Case No.109 of 2020, subject to the following conditions:



(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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