

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10720 of 2021**

Arising Out of PS. Case No.-918 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

KRISHNA SAHANI @ KISHAN SAHANI son of Janak Sahani Resident of
Village- Gosaipur, P.S.- Ahiyapur, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 21-05-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Ahiyapur P.S. Case No. 918 of 2019 registered for the offences punishable under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, when the informant was returning from his shop, four miscreants had snatched his Glamour motorcycle in which four mobile phones were also kept. It is further alleged that they had snatched everything including the key of the shop.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It



is further submitted that the petitioner is not named in the F.I.R. and his name has come on the confessional statement of the co-accused Ravindra Sahani. It is submitted that no incriminating article has been recovered from the possession of this petitioner and he has not been put on test identification parade so far. Learned counsel submits that the petitioner is in custody since 07.09.2019.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of co-accused Ravindra Sahni, save and except the confessional statement, there is no material against him, he has not been put on test identification parada so far, the co-accused Mohan Kumar @ Mohan Sahani has already been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 14497 of 2020 (Annexure-2) and Ravindra Sahani has also been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 5292 of 2020, in the two cases against the petitioner, he is on bail, the petitioner is in custody in connection with the present case for one year and eight months, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Muzaffarpur in connection with



Ahiyapur P.S. Case No. 918 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/rishi

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

