

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7419 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- BHAGWANPUR District- Vaishali

Birendra Sahni @ Virendra Sahani S/O- Jageshwar Sahani Resident Of
Village- Chhoti Kothiya, Police Station - Musahari, Dist. Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Ojha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-07-2022 Heard learned counsel appearing on behalf of the

petitioner as well as learned Additional Public Prosecutor for the

State.

Petitioner seeks bail in a case registered in
connection with Bhagwanpur P.S.Case No. 126 of 2021 for
the offences punishable under Sections 392 of the Indian
Penal Code.

As per the prosecution case, it is alleged that on
10.06.2021, while the informant along with three persons
were going from Patna to Sitamarhi on a Dak Parcel Van
carrying Dak Parcel and when they reached at Bhagwanpur,
one white car over took their van and 3 to 4 miscreants
looted the parcel van along with the goods.



Learned counsel for the petitioner submits that FIR has been instituted against unknown . However during the course of investigation, one Gautam Kumar was apprehended in the present case and on whose confession, the name of the petitioner has transpired. It is further submitted that nothing has been recovered from person and possession of this petitioner and moreover, he has not been put on TIP, though he is in custody since 16.08.2021. It is next submitted that during the course of investigation, no other material has come which suggest the complicity of the petitioner.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that he found involved in two other cases.

Having heard the rival contentions of the parties and taking into consideration the fact that the petitioner is not named in the FIR and no incriminating articles has been recovered from his conscious possession and he is in custody since 16.08.2021 but till date he has not been put on TIP, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand)



with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur in connection with Bhagwanpur P.S.Case No. 126 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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