

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8079 of 2022

Arising Out of PS. Case No.-488 Year-2020 Thana- GORAUL District- Vaishali

Mithun Kumar @ Mithun Kumar Sahni Son of Mahesh Sahni Resident of
Village- Shahpur Khurd, P.S. Goraul (Kathara O.P.) District- Vaishali At
Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Goraul
(Katahara-O.P) P.S. Case No. 488 of 2020 registered for the offence
under Section 392 of the Indian Penal Code and 27 Arms Act.

The accused/petitioner is not named in the F.I.R. and is in
custody since 05.06.2021.

The allegation against the petitioner is to commit robbery
and while committing so, taken away Rs. 33,643/-from dickey of
motorcycle of the informant.

Learned counsel appearing on behalf of the petitioner
submitted that the name of the petitioner surfaced on the basis of self
confession as well as confessional statement of co-accused, namely,



Sonu Kumar after apprehending in Baligaon P.S. Case No. 146 of 2020. It has also been submitted that no cash as alleged to be looted recovered from the possession of the petitioner. It has further been submitted that the motorcycle, which is alleged to be recovered from the possession of the petitioner is registered in the name of father of the petitioner and Registration Certificate of the same have been filed through supplementary affidavit dated 06.07.2022. It has further been submitted that the petitioner is involved in 08 (eight) criminal cases, in which, he is on bail in 06 (six) cases. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that as per supplementary affidavit filed by the petitioner, it appears that Registration Certificate of seized motorcycle is in favour of father of the petitioner, namely, Mahesh Sahni.

Considering the facts and circumstances as mentioned above, as the seized motorcycle belongs to father of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Goraul (Katahara-O.P.) P.S. Case No. 488 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Vaishali, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Tara Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/

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