

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13738 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

Nandan Sahni, Son of Rupan Sahni Resident of Village- Makari Tola, P.S.-
Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Bipin Chandra, Advocate

For the Opposite Party/s : Mr .Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 21-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Sahebganj P.S. Case No. 222 of 2021 registered for
the alleged offences under Sections 457 and 382 of the Indian Penal
Code.

As per prosecution case, the petitioner along with other
co-accused persons trespassed in the house of the informant and
looted TV set, mobile phones, cash, jewellery, wrist watches and
some clothes. During investigation, the name of the petitioner
transpired on the basis of confessional statement of co-accused.

Learned counsel for the petitioner submits that petitioner
is innocent and has been falsely implicated in this case. Nothing

incriminating has been recovered from his conscious possession. No Test Identification Parade has been conducted so far, though the F.I.R. was registered against unknown. The petitioner has been named in this case merely on the basis of confessional statement of co-accused and except for that there is no material against the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 04.08.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent and his name transpired in the confessional statement of the co-accused for his involvement in the occurrence as stated in the F.I.R.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no Test Identification Parade has been conducted and nothing incriminating has been recovered from the petitioner and further considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M, I (West), Muzaffarpur in connection with Sahebganj P.S. Case No. 222 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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