

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14959 of 2022

Arising Out of PS. Case No.-144 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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GARIB SAHNI S/o Bhathu Sahni Resident of Village- Karor, Police Station-
Charia Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar
For the Opposite Party/s : Mr.Vinod Shanker Modi

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 18-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the

offence punishable under Section 392 of the Indian Penal Code.

As per allegation, three unknown persons robbed the

informant's motorcycle, mobile phone and cash of Rs 2500/-.

The main submissions advanced by the learned counsel

for the petitioner are that petitioner is not named in the FIR and his

name surfaced in the confessional statement of co-accused Munchun

Kumar made before the police except this, there is no evidence

against him and after his arrest, no incriminating article has been

recovered from his possession and he was not put on TI parade and



said motorcycle was recovered from the possession of co-accused Munchun Kumar.

Learned APP opposes the prayer for bail.

Heard both sides and perused the FIR. Petitioner has been languishing in jail since 9.2.2021 and learned lower court's order shows that charge sheet has been submitted against him and allegedly, motorcycle is said to have been recovered from the possession of co-accused Munchun Kumar and prosecution is mainly relying upon statement of co-accused made before the police in respect of alleged involvement of the petitioner in the alleged occurrence. Accordingly, in light of these facts, petitioner deserves privilege of bail. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Manjhaul, Begusarai in Cheria Bariyarpur P.S Case No. 144 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.



(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

s.hassan/-

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