

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16957 of 2022

Arising Out of PS. Case No.-451 Year-2021 Thana- DHAKA District- East Champaran

1. JITENDRA SAHANI SON OF YOGENDRA SAHANI R/O VILLAGE-
MADHU CHAPRA, P.S.- BAIRGANIYA, DISTRICT- SITAMARHI
2. ARVIND KUMAR @ ARVIND KUMAR SAHANI SON OF YOGENDRA
SAHANI R/O VILLAGE- MADHU CHAPRA, P.S.- BAIRGANIYA,
DISTRICT- SITAMARHI
3. AMIT KUMAR @ AMIT SAH SON OF SHREE RAM SAH R/O
VILLAGE- PARSOUNI, P.S.- BAIRGANIYA, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 05-09-2022 Heard Mr. Prateek Tandon learned counsel for the
petitioner and counsel for the State.

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

The petitioner is in judicial custody in connection
with Dhaka P.S. Case No. 451 of 2021 for the offences under
Section 392 of the Indian Penal Code.

As per the FIR, the informant has alleged that
unknown accused persons, three in numbers, chased him on
motorcycle and after slamming him down on the point of pistol
looted his motorcycle as also cash of Rs. 2,000/-



In this case, case diary and criminal antecedent report of the petitioner was called for on 25.07.2022 which has since been received and perused by the learned APP for the State.

Learned counsel for the petitioners submits that own brothers have been made accused in this case and have been remanded in this case on the confession made in another case and are in jail since 26.11.2021 (as stated in paragraph-9 of the bail application).

Per contra learned APP for the State submits that number of cases are registered against the accused persons which gets reflected in paragraph-3 of the bail application and considering that the sections are same in nature, they do not deserve bail.

Taking into account the aforesaid facts that the petitioners are in custody since 26.11.2021 and charge sheet stands submitted, this Court is inclined to grant them privilege of bail after framing of charge in view of the fact that they have criminal antecedent of the same nature.

Let the petitioners be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Motihari East Champaran in



connection with Dhaka P.S. Case No. 451 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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