

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18771 of 2022

Arising Out of PS. Case No.-445 Year-2021 Thana- DHAKA District- East Champaran

1. Jitendra Sahani aged about 40 years, male, Son of Yogendra Sahani Resident of village - Madhu Chapra, P.S.- Bairganiya, District - Sitamarhi.
2. Arvind Kumar @ Arvind Kumar Sahani Son of Yogendra Sahani Resident of village - Madhu Chapra, P.S.- Bairganiya, District - Sitamarhi.
3. Amit Kumar @ Amit Sah Son of Shree Ram Sah Resident of 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. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-07-2022 Heard learned counsel appearing on behalf of the
petitioners 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 Dhaka
P.S Case No. 445 of 2021, registered for the offence under
Section 392 of the Indian Penal Code.

The accused/petitioners are not named in the F.I.R.
and are in custody since 27.11.2021.

The allegation against the petitioners is to commit
robbery and while committing so, looted cash of Rs.26,000/-



(Rupees Twenty Seven Thousand) of the informant, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioners submitted that all the petitioners remanded in this case, while apprehending in Dhaka P.S. Case No. 425 of 2021. It is submitted that nothing incriminating recovered from the conscious possession of the petitioners, which may connect the petitioners with the present set of occurrence. It is pointed out that petitioner no.1 is involved in seven other criminal cases, petitioner no.2 is involved in five other criminal cases and petitioner no.3 is involved in four other criminal cases, where they are on bail in all cases and in most of the cases, they have been named on the basis of confessional statement of co-accused/self confession, as of present. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that the petitioners are not named in the F.I.R.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from the conscious



possession of the petitioners, which may connect them with the present set of occurrence coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, are directed to be released on bail in connection with Dhaka P.S Case No. 445 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikarahana at Dhaka, East Champaran, Motihari/concerned Court, subject to the following conditions:

“(i) That accused/petitioners 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 petitioners.

(ii) Accused/Petitioners 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 petitioners, duly supported by



the documents.

(iii) That one of the bailors shall be Sanjay Sahani, who is the cousin brother of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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