

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32440 of 2021

Arising Out of PS. Case No.-284 Year-2020 Thana- BENIPATTI District- Madhubani

1. RAKESH SAHNI Son of Brijnandan Sahni Resident of Village- Karkauli, P.S.- Keoti (O.P. Mubbi), District- Darbhanga.
2. Susheel Sahni Son of Dinesh Sahni Resident of Village- Parsauni, P.S.- Pupari, District- Sitamadhi (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-02-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in connection with Benipatti P.S. Case No. 284 of 2020 registered for the offence under Sections 457 and 380 of the Indian Penal Code.

The mobile phone of the informant is said to have been stolen.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners have not been named in the F.I.R. but they have been apprehended in this case on the basis of their self



confessional statement. He also submits that neither anything incriminating has been recovered from the conscious possession of the petitioners nor they have been put on T.I.P. by the prosecution as yet. Moreover, the co-accused, namely, Amar Kumar has already been granted bail by the court below itself. The petitioners are rotting in judicial custody since 14.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Benipatti, Madhubani in connection with Benipatti P.S. Case No. 284 of 2020 with the following conditions:-

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



by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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