

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24198 of 2022

Arising Out of PS. Case No.-59 Year-2021 Thana- KALUAHI District- Madhubani

ABODH SAHNI son of Ram prasad Sahni Resident of village - Majrahi,
Khirkhiriya Tol, P.S. - Kaluahi, Dist. - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Kaluahi P.S. Case No. 59 of 2021 registered for the offences
punishable under Sections 379, 414, 467, 468, 471/ 34 of the
Indian Penal Code.

As per prosecution case, on 12.05.2021 at 22.30
PM, the informant along with police team was on patrolling
duty and received secret information that stolen motorcycles
have been kept in the house of co-accused Indu Sahani, Dipak
Sahani and Satrugan Sahni son of late Tirpit Sahni. After that
informant and others reached their house and found three



motorcycles in the courtyard of house and one motorcycle in the west side of house. It is further alleged that taking advantage of darkness, co-accused Shatrugahn Sahni fled away. It is further alleged that for the purpose of verification, co-accused Deepak Sahni and motorcycles were brought to police station. During interrogation co-accused Deepak Sahni told that Smart Splendor bearing Registration No. BR32N-7931 was taken from petitioner Abodh Sahni and after changing its number plate it was being used because the said motorcycle was stolen property.

Learned counsel for the petitioner submits that petitioner is in custody since 22.02.2022 and bears criminal antecedent of two cases of Excise Act in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that except confessional statement of co-accused Dipak Sahni, there is nothing against the petitioner to connect him with the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the



case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhubani in connection with Kaluahi P.S. Case No. 59 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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