

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33605 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- BENIPATTI District- Madhubani

1. RAKESH SAHNI Son of Brijnandan Sahni Resident of Village - Varkauli, P.S.- Belhi, O.P. Mubbi, Distt.- Darbhanga.
2. Sushil Sahni Son of Dinesh Sahni Resident of Village - Parsouni, P.S.- Pupri, Distt.- Sitamarhi.

... .. 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.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State in virtual Court proceeding.

Supplementary affidavit filed by the petitioners for making necessary correction in para-3 of the bail petition.

The petitioners seek bail in connection with Bennipati P.S.Case No. 49 of 2020 registered for the offence under Sections 457 and 380 of the Indian Penal Code.

As per written report of the informant-Vandana Devi, prosecution case, in brief, is that, the informant with her children live in rental house of one Surya Narayan Thakur and



Chanchal Kumari lives also in the same house. In the written report that the informant and Chanchal Kumari both had locked their house and gone to the home for personal work and forgoing examination and there was no one in that rental house. When they both return back to the house at Benipatti then they found that lock of the boxes in their respective rooms were broken and gold and silver jewellery, clothes, Gas Cylinder and money in cash as well as Samsung mobile were stolen of the informant as well as Chanchal Kumari respectively.

Learned counsel appearing for the petitioners submits that the petitioners are not named in the FIR. He further submits that during course of investigation through EMI No. of stolen mobile, the petitioners are implicated in the present case. He further submits that nothing has been recovered from possession of the petitioners. They are in custody since 08.01.2021.

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

Considering the facts and circumstances of the case, let the petitioners, above named, 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 Additional Chief Judicial Magistrate-I, Benipatti, Madhubani in connection with Benipatti Police Station Case No.49 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 bonds shall be cancelled 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 antecedents, 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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