

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.41269 of 2021**

Arising Out of PS. Case No.-44 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Suman Kumar Sahni @ Chhotu, son of Late Sita Ram Sahni, R/o- Singhia
Diwanganj, P.S.- Muffasil, District- Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha-1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.
Pushpa Sinha, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with K. Hat (Sahayak) P.S. Case No. 44 of 2021
registered for the offences punishable under Section 392 of the
Indian Penal Code. He is in custody since 17.01.2021 having no
criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that
petitioner has been arrested in this case on mere suspicion. The
date of occurrence is 12.01.2021 whereas the F.I.R. has been
lodged after one day without there being any satisfactory



explanation.

As per the prosecution story, the son of the informant had gone to his own house along with this petitioner when the alleged loot took place. The informant suspected involvement of the petitioner and after his arrest the petitioner was made to make a confessional statement on the basis of which the house of co-accused Kundan Sahni was raided and from there a Apache Motorcycle was recovered, but fact remains that no looted article has been recovered from the possession of the petitioner and the confessional statement has been extracted in police custody.

Learned counsel thus submits that considering that the petitioner is in custody for over one year and no independent material has come against the petitioner to suggest that he was involved in the alleged loot of 326 grams of gold, the petitioner deserves privilege of bail.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, but considering that the petitioner has been involved in this case on mere suspicion, there is no recovery either from his possession or at his instance, the petitioner has no criminal antecedent and has remained in custody for over one year and investigation against him is



complete, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnia, in connection with K. Hat (Sahayak) P.S. Case No. 44 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

