

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28849 of 2022

Arising Out of PS. Case No.-108 Year-2020 Thana- BENIPATTI District- Madhubani

1. Rakesh Sahni, S/o Brijnandan Sahni, Resident of Village - Parsauni, P.S.- Pupri, District- Sitamadhi, Bihar
2. Sushil Sahni, S/o Dinesh Sahni, Resident of Village - Parsauni, P.S.- Pupri, District- Sitamadhi, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Kumar Sinha, Sr. Advocate. Mr. Ravi Prakash, Advocate.
For the State	:	Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-08-2022 Heard Mr. Devendra Kumar Sinha, learned senior counsel along with Mr. Ravi Prakash, learned counsel appearing on behalf of the petitioners and Mr. Ajit Kumar, learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Benipatti P.S. Case No. 108 of 2020 for the offence punishable under Sections 457 and 380 of the Indian Penal Code.

The prosecution story, in brief, is that the household articles, silver ornaments and cash of Rs.35000/- of the



informant were stolen by some miscreants after breaking the lock of the house.

Mr. Devendra Kumar Sinha, learned senior counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. He further submits that on the basis of confessional statement made in connection with Benipatti P.S. Case No. 274 of 2020, the petitioner has been made accused in the present case and he has made specific statement in Para-12 of the bail application that in Benipatti P.S. Case No. 274 of 2020, the petitioner has been granted bail vide order dated 03.11.2021 passed in Cr. Misc. No. 60157 of 2021. He further submits that prior to the present case, petitioners have been made accused in five cases and in all the five cases, they have been granted bail by different co-ordinate Benches of this Court. It is further submitted that law is well settled that confessional statement made before the police in police custody has no evidentiary value in the eye of law. Petitioners are in custody since 15.12.2020.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners. He submits that petitioners are having criminal antecedent and it will not be in the interest of



the society to release the petitioners on bail.

Having considered the rival submissions of the parties and period of custody undergone by the petitioners and there is no likelihood of the trial being concluded in the near future, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Benipatti, Madhubani in connection with Benipatti P.S. Case No. 108 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bonds.

(5) The court below is directed to verify the



criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(6) The petitioners will make their attendance before the concerned police station under which their house is located every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioners, their bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police, having jurisdiction.

(Purnendu Singh, J)

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