

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28967 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- SONBERSA District- Sitamarhi

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DHARMENDRA KUMAR @ DHARMENDRA SAHANI Son of Mithilesh
Sahani @ Mithalesh Sahani Resident of village - Jankinagar, P.s.- Sonbarsa,
Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhubala Verma, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Sonbarsa P.S. Case No.08/2022 instituted under Section
394 of the Indian Penal Code and 27 of the Arms Act.

As per the allegation in the FIR, on 05.01.2022, when
the informant was going on his motorcycle carrying a bag
containing Rs.2,50,000/-, the laptop charger, the cash
maintenance register, deposit and withdrawal register as also the
passbook, it is alleged that three accused persons on a
motorcycle intercepted him and after putting red chilly in his
eyes as also opening fire snatched the bag and motorcycle and



fled away.

Learned counsel for the petitioner submits that the petitioner was arrested in Sonbarsa (Sitamarhi) P.S. Case No.09/2022 under Sections 399, 402, 411 of the Indian Penal Code and 25(1-b) a / 26, 35 of the Arms Act and after the confessional statement made by him was remanded in this case in view of the fact that the stolen motorcycle was being used by them. She submits that the petitioner is in custody since 28.01.2022 (as stated in para-13 of the bail application) and similarly situate co-accused namely Vikash Kumar has since been granted bail vide Cr. Misc. No.16545/2022 on 19.05.2022 by a co-ordinate Bench of this Court.

Let the same be kept on record.

Taking into account the aforesaid fact as also that he is in custody since 28.01.2022 and charge sheet stands submitted, this Court is inclined to grant him privilege of bail with conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Sonbarsa P.S. Case No.08/2022 to the satisfaction of learned A.C.J.M.,



VII, Sitamarhi, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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