

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33086 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- PAKRIDAYAL District- East Champaran

1. SHATRUDHAN SAHANI @ SATRUGHAN SAHANI SON OF LATE MOKHTAR SAHANI @ MUKTAR SAHANI RESIDENT OF VILLAGE- NANDPUR, P.S.- MUFFASIL MOTIHARI, DISTRICT- EAST CHAMPARAN.
2. RAM PRAVESH KUMAR SON OF NANDU MAHTO RESIDENT OF VILLAGE- SURHAN, P.S.- MUFFASIL MOTIHARI, DISTRICT- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-11-2022 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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Pakadidayal P.S. Case No. 33 of 2022 registered for the offences punishable under Sections 414 and 34 of the Indian Penal Code.

As per prosecution case, the petitioners alongwith others were apprehended with 13 stolen mobile tower batteries and other articles at the bamboo orchard of Jaygovind Prasad.

Learned counsel for the petitioners submits that



petitioners are in custody since 04.02.2022. Petitioners bear no criminal antecedent. He further submits that no incriminating article has been recovered from the possession of the petitioner rather they were apprehended only on the basis of suspicion. Apprehended co-accused Ajay Kumar Mahto, Santosh Kumar and Sani Kumar have already been granted bail vide Cr. Misc. No. 19011 of 2022 and 18209 of 2022 respectively by a co-ordinate bench of this court and the case of present petitioner stands on similar footing.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused persons have already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Pakadidayal P.S. Case No. 33 of 2022, 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) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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