

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43823 of 2021**

Arising Out of PS. Case No.-300 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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JITENDRA SAHANI Son of Gaji Sahani @ Laxmi Sahni Resident of Village
- Madhubanighat Tola Mathiya, P.S. - Muffassil, Dist. - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prateek Tandon
For the Opposite Party/s : Mr.A.G

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 22-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Muffassil P.S. Case No. 300/2019, registered for the offence punishable under Sections 399, 402, 411 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of the Arms Act.

The allegation is regarding the police having arrested one co-accused person, namely, Nand



Kishore Sahni and on search, one loaded country made pistol with live cartridges, cash money and a mobile phone were recovered. It is alleged that upon interrogation, the said co-accused person had disclosed that he and his accomplice including the petitioner herein had assembled for looting the money of a finance company and they used to engage in committing loot on a day to day basis.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 2.1.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in 12 other cases, but he is on bail in all the said cases. The learned counsel for the petitioner has further submitted that the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed by this Hon'ble Court for the purposes of grant of bail.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no looted articles / cash money has been recovered from the conscious possession of the petitioner and the petitioner has not been alleged to have committed any sort of crime, pertaining to the case in hand, though, I deem it fit and proper to admit the petitioner to the privilege of bail, but subject to certain conditions.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, East Champaran, Motihari in connection with Muffassil P.S. Case No. 300/2019.



It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10:00 am. and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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