

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45869 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- VAISHALI District- Vaishali

BAIJU SAHNI Son of Shiv Prasad Sahni Resident of village - Sorhatha, P.S.-
Vaishali (Belsar O.P.), Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh, Advocate.

For the Opposite Party/s : Mr.Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and 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 petitioner, who is in custody since 12.10.2020,
seeks regular bail in connection with Vaishali (Belsar O.P.) P.S.
Case No. 212 of 2020 for the offence punishable under Section
392 of the Indian Penal Code.

The prosecution case, in brief, is that on 25.06.2020 at
about 8 PM when the informant along with his staff namely Md.
Farukh were returning after closing his repair shop, four
unknown motorcycle borne miscreants intercepted the informant
and on the point of pistol they snatched bag from the staff of the



informant containing cash of Rs.18,000/-, ATM Card etc.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner is not named in the F.I.R. Nothing has been recovered from conscious possession of the petitioner. Name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Suraj Kumar who has already been released on bail vide order dated 04.05.2021 passed in Cr. Misc. No. 1703 of 2021 (Annexure-2) by this Hon'ble Court. Petitioner is in custody since 12.10.2020 and till date no test identification parade has been conducted and as such the petitioner be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, nature of allegation against the petitioner, no incriminating material has been recovered from conscious possession of the petitioner as stated in Para-10 of the bail application and taking into consideration the period of custody of the petitioner as under trial prisoner and another co-accused on whose confession name of the petitioner has



surfaced in this case has been granted bail vide order dated 04.05.2021 passed in Cr. Misc. No. 1703 of 2021 (Annexure-2) by this Hon'ble Court, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali in connection with Vaishali (Belsar O.P.) P.S. Case No. 212 of 2020, subject to the following conditions:-

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

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

(3) If the petitioner tampers 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 petitioner.

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

(Purnendu Singh, J)

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