

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49128 of 2021

Arising Out of PS. Case No.-205 Year-2020 Thana- SAKRI District- Madhubani

Dinesh Kumar Sahani Son of Jagdish Sahani Resident of Village - Rahua, P.S.
- Mushari District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-07-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Subhash Kumar Jha, learned counsel for
the petitioners as well as Mr. Satyendra Narayan Singh learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Sakri
Case No. 205 of 2020 registered for the offences punishable
under Sections 395 of the Indian Penal Code.

As per prosecution case, it is alleged that on
30.11.2020, while the informant was going through his truck
loaded with mustered oil and when he reached near Sabri, all
of a sudden some miscreants coming from Sumo intercepted
and surrounded his truck thereafter, all the accused persons
beaten the informant and khalsi and later on fled away with the



truck and other vehicles.

It is submitted by the learned counsel for the petitioner that FIR has been instituted against unknown persons . However, during the course of investigation, the looted truck has been shown to be recovered in front of the house of petitioner and thereafter his name has been implicated in the present case. The learned counsel further submits that in fact, looted truck has not been recovered in front of the house of the petitioner, the same has been found in an abandoned condition but the name of the petitioner has been implicated only on suspicion but till date he has not been put on TIP. It is next submitted that from bare perusal of the FIR, it is evident that there is many irregularities in the seizure list and the witnesses thereof are only informant and khalasi of the truck which caused suspicion in the manner of the seizure. It is further submitted that petitioner is a man of clean antecedent and is in custody since 04.12.2020. Moreover, investigation has already been concluded and charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the period of custody



and apart from the fact, that petitioner is a man of clean antecedent and moreover, there is other regularities in the seizure list as well as he has not been put on TIP till date, let the petitioners above named, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Sakri P.S. Case No. 205 of 2020 with the following conditions:-

(i) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioners will cooperate in the investigation as well as in conclusion of the trial.

(iii) They will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J.)

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