

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48505 of 2021**

Arising Out of PS. Case No.-118 Year-2021 Thana- GAUTAMBUDHNAGAR District-
Siwan

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VIJAY SAHANI @ LAMBU Son of Mahesh Sahani Resident of Village -
Ladhi, P.S.- Goreyakothe, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr.Parmanand Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-01-2022 Heard learned counsel for the petitioner as well as

learned APP for the State through virtual mode.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner has filed the supplementary affidavit in
which the learned counsel for the petitioner submits that due to
inadvertent mistake, it has wrongly been typed in paragraph
no.3 of the main bail application that the petitioner has been
clean antecedent. In fact the petitioner is accused in one another
case i.e. G.B. Nagar P.S. Case No.116/2021 under Section 379
of the IPC.

The petitioner seeks bail in connection with G.B.
Nagar P.S. Case No.118/2021 registered for the offence



punishable under Sections 413,414,34 of the IPC.

The prosecution case in short, is that on 17.05.2021 at about 10.00 AM, the informant arrived for day gasti with armed forces from G.B. Nagar P.S. and on 01.05 PM, he was doing vehicle checking near the Gandak Nahar Tarwara Pul, they saw, three bike riders were coming on the three bikes towards Basantpur, who were stopped by giving signal and demanded paper, but they did not produce any paper, in the meantime, one person managed to flee away leaving his motorcycle and two persons were apprehended and disclosed their name as Vijay Sahni 2 Lambu and Anis Kumar and disclosed the name of the fleeing person Punnu Singh and on inquiry they told that all the three motorcycle are theft articles. It is further alleged that people of vicinity came to see the act of the police and in presence of two independent witnesses namely Gajendra Yadav and Bhola Manjhi, Seizure list was prepared of the said three seized motorcycle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case. He further submits that nothing has recovered from the possession of the petitioner. He further submits that recovery has been made from the road side along with the co-accused



persons and the petitioner is in custody since 18.05.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Siwan in connection with G.B. Nagar P.S. Case No.118/2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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