

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44234 of 2022

Arising Out of PS. Case No.-24 Year-2021 Thana- SAKRA District- Muzaffarpur

Rajesh Sahni, son of Ramdeo Sahni, Resident of Ward No. -07, Village-
Rampur Keshopatti Bejhadih, P.S.- Muffasil, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen, Advocate

For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from today.

In the present case, the petitioner seeks bail in
connection with Sakra P.S. Case No. 24 of 2021, registered for
the alleged offences under Sections 395 and 397 of the Indian
Penal Code and Section 27 of the Arms Act.

As per prosecution case, a dacoity was committed in
the branch of ank of the informant where he had been working
as Manager. The dacoits took away Rs.17,09,980/- When public
tried to catch the dacoits, one of them fired upon the person who
caught hold of one of the dacoits. During investigation, the
name of the petitioner surfaced as one of the accused persons



involved in the crime.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he has been made accused merely on the basis of confessional statement of co-accused Sudhir Sharma and Ramesh Sahni. Further a call detail report showing the petitioner being in contact with the co-accused Rajesh Rai on mobile phone has been brought on record and on this ground the police dragged him in this case. The FIR has been lodged against 5-6 unknown criminals, but several innocent persons have been falsely implicated by the police without any cogent material. The learned counsel further submits that no incriminating articles has been recovered from the person/possession of this petitioner and he was not put to any Test Identification Parade. The petitioner has been remanded in this case on 02.03.2022 and the charge sheet has been submitted. The co-accused who named this petitioner in his confessional statement has been granted bail by a Coordinate Bench of this Court vide order dated 12.11.2022 passed in Cr. Misc. No.57583 of 2022.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in a number of cases of similar nature.



Having regard to the facts and circumstances and submissions made here-in-above and considering the fact that no recovery has been shown from this petitioner and there appears no substantive material to connect the petitioner in the crime as alleged and further considering the period of custody of the petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Muzaffarpur, in connection with Sakra P.S. Case No. 24 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive



dates or in violation of the terms of the bail,
the bail bond of the petitioner will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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