

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54928 of 2021

Arising Out of PS. Case No.-35 Year-2019 Thana- BIRUPUR District- Lakhisarai

NAGENDRA SAHNI S/o LATE SARYUG SAHNI R/o VILLAGE-
REPURA, P.S- BIRUPUR, DISTRICT-LAKHISARAI (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 04-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 379 and 411 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that he saw the four named accused persons including the petitioner herein using a gas cutter and cutting the temporary bridge (pipa pul) and loading the pieces thereof in the vehicle bearing registration no. BR 52 8185. On raising *hulla* the vehicle in question was caught and the driver disclosed his name as Nitish Kumar. On query he disclosed that he had been hired by one Bholi Thathera on payment of a sum of Rs. 1500/-.

It is submitted by learned counsel for the petitioner that from perusal of the FIR itself it would transpire that except for the name of the petitioner transpiring in the



statement of the informant, no other material has come against him. The petitioner was not caught at the place of occurrence nor any incriminating material recovered from his possession. Even the driver of the vehicle who was caught did not disclose the name of the petitioner but in fact disclosed that he has been hired by one co-accused Bholi Thathera. The petitioner is in custody since 26.7.2021 and investigation in the case has concluded.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into the consideration the nature of allegation, the petitioner having remained in custody for more than 8 months and chargesheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Birupur P.S. Case no. 35 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Lakhisarai.

(Partha Sarthy, J)

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