

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57785 of 2021

Arising Out of PS. Case No.-321 Year-2019 Thana- BHAGWANPUR District- Vaishali

Raj Kumar Sahni Son of Sri Dwarika Sahni Resident of Village - Balken,
Police station - Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

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

Petitioner seeks bail in connection with Bhagwanpur
P.S. Case No. 321 of 2019 registered for the offences punishable
under Sections 395, 397 of the Indian Penal Code.

According to prosecution case, the informant worked
as Asadpur Sadpura Sadpura Petrol Pump, Goraul as a cashier
and on 29.11.2019 the informant went in attend natural call then
he heard the sound where he return and saw that some persons
are destroying on Petrol Pump. When the informant came at



Petrol Pump he saw six miscreants armed with weapons on two motorcycles, over powered the nozzle man of the petrol pump and broke open the lock of the main gate and cash counter and looted Rs.1,90,000/-.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner transpired only on the basis of self confessional statement of co-accused namely Manish Sahni @ Manish Kumar. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. It is further submitted that charge sheet has been submitted in this case. He further submits that similarly, co-accused, namely, Akhilesh Sahni and Manish Sahni @ Manish Kumar have been granted bail by a co-ordinate Bench of this court vide order dated 21.12.2020 passed in Cr. Misc. No. 34506 of 2020 and order dated 04.08.2021 passed in Cr. Misc. No. 14002 of 2021. The petitioner is in custody since 25.02.2021.

The learned Additional Public Prosecutor opposed the prayer for bail, submitting that petitioner carries two criminal



antecedents.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 321 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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 step 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)

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