

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52689 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- PIPRAKOTHI District- East Champaran

ABHIRATAN CHOUDHARY @ ABHIRATAN SAHNI @ ABHIRATAN
KUMAR Son of Late Raja Kumar Sahni @ Raj Kumar Sahni @ Raj Kumar
Choudhary R/V- Hathiyahi, P.s- Pipra Kothi, Dist- east Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh

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

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Pipra Kothi P.S. Case No. 198 of 2021 registered for the

offences punishable under Section 392 of the Indian Penal

Code.

As per prosecution case, informant Jitendra Sah

was returning from Jivdhara Bazar to his home. In the way,

four unknown miscreants stopped the informant and on the

point of knife looted the motorcycle of the informant.



Learned counsel for the petitioner submits that petitioner is remanded on 18.05.2022 from Pipra Kothi P.S. Case No. 109 of 2022 since then he is in custody. Petitioner bears three criminal antecedents in which he is on bail in two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that F.I.R. is lodged against unknown. The name of present petitioner has been transpired in this case on the basis of confessional statement of co-accused Avinash Sahni. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has falsely been implicated in the present case and has committed no offence as alleged in the F.I.R. No T.I.P. has been conducted till today. Co-accused Avinash Sahani, on whose confessional statement name of present petitioner has been transpired in this case, has already been granted bail vide Cr. Misc. No. 65059 of 2021 by a co-ordinate bench of this Court and case of present petitioner stands



more or less on similar footing.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused Avinash Sahani has already been granted bail, nothing has been recovered from the conscious possession of the petitioner as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari in connection with Pipra Kothi P.S. Case No. 198 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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