

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54221 of 2022

Arising Out of PS. Case No.-211 Year-2022 Thana- GAIGHAT District- Muzaffarpur

BINOD SAHNI S/O LATE MOTI SAHNI Resident of village- Husainpur,
P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR ADVOCATE GENERAL BIHAR PATNA PATNA
HIGH COURT

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Prasad Singh, Advocate
For the Opposite Party/s : Mr.Jitendra Kumar Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and Mr.

Jitendra Kumar Singh, learned APP who represents the State
through video conferencing in view of the Covid-19.

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

The petitioner is in judicial custody in connection
with Gaighat P.S. Case No. 211 of 2022 for the offences
under Section 392 of the Indian Penal Code.

The FIR has been lodged on the basis of the
written report of the informant, Nagina Devi who was
travelling in an Auto when some accused persons boarded it
and after assaulting her tried to flee away with the bag
containing gold and silver materials as also cash. However,



on her raising alarm, the locals caught hold of the accused, the petitioner included while the other two managed to escape .That way, the petitioner came into custody.

Learned counsel for the petitioner submits that he was a bonafide passenger in the Auto. However, while the accused persons fled away, under mistaken identity, the petitioner was picked up, thrashed and although as per the FIR itself, he was caught on the spot on 6.5.2022, he was produced on 7.5.2022 (as stated in para-11 of the bail application).

Taking into account the fact that the charge-sheet stands submitted and he is in custody since 7.5.2022, this Court is inclined to grant him privilege of bail with strict conditions in view of the fact that he has criminal antecedents.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Muzaffarpur, in connection with Gaighat P.S. Case No. 211 of 2022, subject to the following conditions :-

(i) one of the bailor should be the family member



of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall leave his district (Muzaffarpur) for a period of three months after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (where he will stay) every week to mark attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan/
Ajay-

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