

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56305 of 2022

Arising Out of PS. Case No.-357 Year-2018 Thana- MANIYARI District- Muzaffarpur

DEVLAL SAHNI @ DEVLAL Son of Shivilal Sahni Resident of Village -
Chhoti Kothia, P.S.- Mushari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and the learned
APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Maniyari P.S. Case No.357 of 2018 instituted under Section 392 of
the I.P.C.

As per the prosecution story, the informant alleged that
while returning on his motorcycle, he was intercepted by the accused
persons who snatched Rs.22,000/- as also mobile phone and fled
away. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the police
investigated the matter and on the basis of confessional statement of
Raju Sahni, his name cropped up and only because he has criminal
antecedent, the police believed the story and accordingly due to
number of cases under his belt, he is in custody since 01-07-2019 (as



stated in para-11 of the bail application). The further submission of learned counsel for the petitioner is that after cognizance was taken in the matter, there is further development in the Trial.

Learned APP opposes the bail pointing out that he has criminal antecedent.

Taking into account the aforesaid fact as also the period of custody, 01-07-2019, this Court is inclined to grant him privilege of bail with strict conditions considering the fact that he has criminal cases under his belt of the same nature.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Maniyari P.S. Case No.357 of 2018 to the satisfaction of learned Judicial Magistrate, Ist Class, West Muzaffarpur, subject to 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 month(s) 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 concerned (where he will stay) every week to mark his 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 appear before the concerned police station every fortnight for next six months to mark attendance;

(vi) 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;

(vii) 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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