

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6141 of 2023

Arising Out of PS. Case No.-188 Year-2022 Thana- KASIMBAZAR District- Munger

SHIVA SAHNI Son of Late Chandar Sahani @ Chandar R/v- Chandi Asthan
Gauri Tola @ Godhi Tola @ Nishad Tola, P.S.- Kotwali (Basudeopur O.P.),
District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Kant Mishra, Advocate
For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-05-2023 List of these matters has been notified today.

Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Kasim Bazar P.S. Case No.
188 of 2022 dated 17.07.2022 instituted for the offence
punishable under Section 379 of the Indian Penal Code. Later
on Section 382 of the Indian Penal Code has been added.

Seven to eight accused persons have allegedly committed
a theft and were seen running away from the informant's house.



There is alleged theft of articles, including ornaments and the thieves have been seen fleeing away.

Learned counsel for the petitioner submits that as a sequel to his implication in thirteen other offences, the petitioner has been implicated in this case based on suspicion. He is on bail in twelve out of thirteen cases pending against him since before. In the instant case, it is apparent from the seizure list/s which form part of the FIR that no recovery is attributed to the petitioner. It is also submitted that the informant has alleged that the thieves were seen running away, however, the petitioner has not been put on TIP till date. The co-accused, namely, Md. Raja who has stated about the petitioner's involvement has also been enlarged on bail in Cr. Misc. No. 9021 of 2023.

The petitioner is in custody since 21.09.2022.

The learned APP for the State has opposed the prayer for bail. It is submitted that the petitioner has thirteen antecedents.

Considering the rival submissions, the fact that seizure list does not disclose any recovery from the petitioner's possession and the claim based on parity with co-accused, namely, Md. Raja, the period of custody as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the



petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 C.J.M, Munger or his successor Court, in connection with Kasim Bazar P.S. Case No. 188 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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