

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19414 of 2023

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

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Sunil Sahani @ Sunil Sahni Son of Akal Sahani R/V- Soniyapur Mithansarai,
P.s- Ahiyapur Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Gaiyghat P.S. Case No. 211 of 2022 registered on 06.05.2022 for the alleged offences under Section 392 of the Indian Penal Code.

3. As per prosecution case, while the informant and her daughter were going by a tempo, they were assaulted by four miscreants and during this assault they took away the bag of the informant containing a number of ornaments and Rs. 20,000/- in cash and tried to flee away from the spot, however, they were chased by local people and the petitioner and co-accused Binod Sahni were apprehended and two other co-accused persons, namely, Manraj Sahni and other unknown co-



accused fled away from the spot taking with them the bag of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Petitioner was not apprehend from the spot and no recovery was made from his possession. It is the case of the prosecution that petitioner was arrested along with co-accused Binod Sahni by the local people, but nothing incriminating was seized from them. It is also apparent from the FIR that the looted articles were taken away by the co-accused persons and the petitioner has got no concern with them. The petitioner was a passenger in the tempo and he did nothing wrong with the informant. The co-accused Binod Sahni has been granted bail by a Coordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 54221 of 2022 and the case of the petitioner is similarly placed. The petitioner is in custody since 07.05.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and



further considering the clean antecedent of the petitioner along with his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Muzaffarpur (East)/court concerned in connection with Gaiyghat P.S. Case No. 211 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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