

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26280 of 2023**

Arising Out of PS. Case No.-126 Year-2021 Thana- BHAGWANPUR District- Vaishali

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1. Badal Sahni @ Badal Kumar @ Bhanja Son Of Rajkumar Sahni Resident Of Village Rajapunas , Ps Ahiyapur ,DISTRICT Muzaffarpur
  2. Rajkumar Sahni Son Of Late Kailash Sahni Resident Of Village Rajapunas , Ps Ahiyapur ,DISTRICT Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                      |
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| For the Petitioner/s     | : | Mr.Shyameshwar Kumar Singh, Advocate |
| For the Opposite Party/s | : | Mr.Shyameshwar Dayal, Advocate       |
| For the State            | : | Mr. Jharkhandi Upadhyay, APP         |

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      23-05-2023

Heard learned counsel for the petitioners and State.

The petitioners are in custody in connection with Bhagwanpur P.S. Case No. 126 of 2021 for the offence under Section 392 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner no. 1 has got two criminal antecedents and petitioner no. 2 has one criminal antecedent and they are in custody since 22.12.2022.

As per the prosecution case, it is alleged that on 10.06.2021, while the informant along with three persons were going from Patna to Sitamarhi on a Dak Parcel Van carrying Dak Parcel and when they reached at Bhagwanpur, one white car over took their van and 3 to 4 miscreants looted the parcel van along with the goods.



It has submitted by learned counsel for the petitioners that petitioners have been made accused in the confessional statement of the co-accused and there is no material available on record against them.

The police can crack the case under Section 392 of the Indian Penal Code only after a criminal is arrested and if he names some criminals who are involved in the crime. In the present case, petitioners are said to be involved in looting of goods from courier vehicle who are in custody since 22.12.2022.

It has been submitted by learned counsel for the petitioners that similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court in Criminal Misc. Case No. 12.07.2022 vide order dated 12.07.2022 as contained in Annexure-3 (series).

For the reasons mentioned in the order dated 12.07.2022 passed in Criminal Misc. Case No. 12.07.2022, this bail application is also allowed.

Let the petitioners, above-named, **be released on bail after completing one year in judicial custody** on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 126 of 2021, subject to the condition that the petitioners would cooperate in the proceeding of the court below. In the event of failure to appear on two consecutive dates, the court below will be at liberty to pass appropriate order including cancellation of bail bonds of the petitioner.

The petitioners will visit Ahiyapur Police Station on the every Sunday of each month. Any default in appearance at the Police Station would be result in cancellation of bail bond of the petitioners.

**(Sandeep Kumar, J)**

Harsh/

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