

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25898 of 2023**

Arising Out of PS. Case No.-353 Year-2022 Thana- CHHATAUNI District- East Champaran

Ashok Sahani Son Of Indrasan Sahani R/O Village- Bhataha, P.S.- Muffasil,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 07-07-2023 Heard Mr. Sanjay Kumar Tiwari, learned counsel

 appearing on behalf of the petitioner and Mr. Nirmal Kumar

 Sinha, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Chhatauni P.S. Case No. 353 of 2022, registered under
Sections 356, 379 and 419/34 of the Indian Penal Code.

The prosecution case, in brief, is that in course of
patrolling duty one Om Prakash Kumar and Mandip Kumar
were apprehended with stolen mobile, who disclosed that the
motorcycle on which they have committed occurrence, belongs
to the petitioner and petitioner is the leader of the gang.

Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and he has
falsely been implicated in this case. He further submitted that
nothing has been recovered from the possession of the



petitioner. The name of the petitioner has been roped in this case by co-accused Mandip Kumar, who was arrested by the patrolling party of the Police and the alleged mobile phone which was stolen was already returned back to the concerned victim. The petitioner has clean antecedent.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

Considering the nature of allegation made in the F.I.R. as well as the fact the alleged mobile phone has already been returned back to the owner of the same, prima facie the petitioner has made out a case to be released on bail.

Let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran in connection with Chhatauni P.S. Case No. 353 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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