

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27469 of 2023

Arising Out of PS. Case No.-321 Year-2022 Thana- BIBHUTIPUR District- Samastipur

KUNDAN SAHANI Son of Brijmohan Sahani Resident of village - Bazidpur
Bamaia, P.S. - Bibhutipur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 26-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 11.08.2022 in connection with Bibhutipur P.S. Case No. 321 of 2022, F.I.R. dated 10.08.2022 for the offences punishable under Sections 413, 414, 420 of the Indian Penal Code.

3. According to prosecution case, in brief is that on 10.08.2022 when the vehicle was checking in Kalyanpur market with the help of force, then S.H.O. gave information that a merchant of liquor Kundan Sahni is taking away liquor from stolen pick up from Kerai to Dahua Chowk. A pick up van came at about 15:30 at Dahu Chowk, when the police force stop the van then driver tried absconding to leave the van. During search, a mobile of Redmi company was found in the pocket of Kuncan



Singh, two plat of Registration No.BR06GA4976 and BR02GZ4029 was found in the van. Kundan Singh did not produce any paper of van. After asking Kundan Singh told that he has stolen the van two days before at Bithan, Samastipur. The vehicle from which the numbers are changed, he brings liquor from outside and sell it.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that bare perusal of F.I.R. as well as seizure list that the petitioner was apprehended with the looted van and the petitioner has accepted that he has lootted the van in question two days prior from the Samastipur and he has used the looted vehicle for the purpose of delivery of liquor.

5. Learned counsel for the petitioner further submits that the allegation as alleged in the F.I.R. is false and fabricated in fact the petitioner was not apprehended at the spot. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather the police has planted the same and shown the recovery from the possession of the petitioner. He further submits that the charge has been framed against the petitioner vide order dated 26.05.2023 in S.T. No.689 of 2022, 177 of 2022 under Sections 413, 414 and 420



of the Indian Penal Code and the petitioner is in judicial custody since 10.08.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seven criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, 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 Additional District and Sessions Judge-II, Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 321 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation



of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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