

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27763 of 2022

Arising Out of PS. Case No.-119 Year-2021 Thana- HATHAURI District- Muzaffarpur

Jitendra Sahni, S/o Juga Sahni @ Yugeshwar Sahni Resident of Village-
Narma, P.S.- Hathauri, District- Muzaffarpur, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 04-01-2023 This case is listed out of turn on account of the fact

that the petitioner has to appear in the Indian Army

Agniveer Examination, 2023.

Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Hathauri P. S. Case No. 119 of 2021 (G. R. No. 1908 of

2021), registered for the offence punishable under Section

394 of the Indian Penal Code.

The prosecution story as emerges from the FIR is

that when the informant was coming on a motorcycle, the

petitioner and his associates intercepted him and snatched



his motorcycle, helmet and his mobile, on the point of pistol.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the F.I.R. has been lodged against unknown. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits the name of the petitioner transpires on the basis of confessional statement of one co-accused, Kundan Kumar, who has been granted bail by a co-ordinate Bench of this Court *vide* order dated 02.09.2022, passed in Cr. Misc. No. 27728 of 2022. He further submits that investigation in this case is complete and charge-sheet has already been submitted

He further submits that the petitioner has been languishing in jail since 22.12.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has been made accused in one more case, in which he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has never moved before this



Court for grant of anticipatory or regular bail.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate 1st Class, Muzaffarpur, in connection with Hathauri P. S. Case No. 119 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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