

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28071 of 2023

Arising Out of PS. Case No.-464 Year-2022 Thana- PAHARPUR District- East Champaran

GUDDU SAHANI S/O BABULAL SAHNI R/V- Kohabarawa, Nawaka Tola,
P.S- Govindganj, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since 05.01.2023 in connection with Paharpur P.S. Case No. 464 of 2022, F.I.R. dated 25.12.2022 registered for the offence punishable under Section 394 of IPC but the police submitted chargesheet under Sections 394 and 411 of IPC.

The FIR of the occurrence of loot is against unknown.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR and the name of the petitioner has been transpired during investigation on the basis of the C.D.R. of the looted mobile phone. Further submits that there is non-compliance of Section



100 of Cr.P.C. and the petitioner has no concern at all with the alleged recovery of looted mobile phone or the crime in question and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 05.01.2023.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, 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 learned C.J.M., Motihari, East Champaran in connection with Paharpur P.S. Case No. 464 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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