

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29614 of 2023

Arising Out of PS. Case No.-339 Year-2022 Thana- RIGA District- Sitamarhi

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KAMLESH KUMAR SAHANI @ KAMLESH KUMAR @ KAMLESH
SAHNI S/O SONFI SAHNI @ Sonaphi Sahani R/O Village- Riga Imli Bazar,
P.S- Riga, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Biha Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Riga P.S.
Case No. 339/2022 registered for the offences punishable under
Section 379 of the Indian Penal Code.

As per prosecution case, informant's motorcycle was
stolen by the miscreants and the case has been lodged against
unknown.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR and during course
of investigation the name of petitioner transpired in this case.
He further submits that petitioner has been arrested in Riga P.S.



Case No. 351/2022 for an offence under Section 413, 414 I.P.C. and thereafter he has been remanded in the present case. The petitioner is languishing in custody since 17.10.2022 and bears criminal antecedent of two cases in which he is on bail. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has not been put on T.I. Parade till date. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Sitamarhi in connection with Riga P.S. Case No. 339/2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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