

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31450 of 2022

Arising Out of PS. Case No.-101 Year-2020 Thana- AURAI District- Muzaffarpur

Sikram Kumar @ Sikram Sahni S/o Kapal Sahni Resident of Village-
Kharkha Vasant, P.S.- Jale, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 25-01-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Alok Kumar Alok, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Aurai P.S. Case No. 101 of 2020, registered for
the offences punishable under Section 392 of the Indian Penal
Code.

As per the prosecution case, it is alleged that the
informant, who is the manager of Consumer Service Center, of
the State Bank of India, had gone with other person to SBI,
Aurai for withdrawing money. It is further alleged that they had
taken out a some of Rs. 4,05,000/- from the Bank and the
informant was also having a sum of Rs.10,000/- which he has



kept in a bag and left the Bank for his Center on his motorcycle. When the informant and his friend reached at the place of occurrence, in the meantime some unknown miscreants had overpowered the informant and also assaulted him with the butt of the pistol and thereafter snatched the bag of the informant, containing money and fled away.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown miscreants, however, during the course of investigation the name of the petitioner surfaced on the confessional statement of co-accused namely, Upendra Sahni and Subodh Sahni, however, both of them have been allowed privilege of bail by the learned Co-ordinate Bench of this Court in Cr. Misc. Nos. 28944 of 2020 and 50788 of 2021 vide order dated 13.11.2020 and 08.09.2021 respectively. He further submits that only on account of the criminal antecedent of the petitioner, as he has been found involved in 7 other criminal cases, his name has been implicated in this case, though the petitioner is already on bail in six cases out of the seven cases as has been mentioned in paragraph no.3 of the bail petition. He next submits that neither the petitioner has been put on test identification parade nor any incriminating material has been recovered from his person or possession,



though the petitioner has been remanded in this case on 09.01.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is a habitual offender as it appears from the paragraph no.3 of the bail petition.

Regard being had to the submissions made on behalf of the parties and considering the fact that name of the petitioner has come on the confessional statement of the co-accused persons who have already been allowed privilege of bail by learned Co-ordinate Bench of this Court and moreover till date the petitioner has neither been put on test identification parade nor any incriminating material has been recovered from his person or possession, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur, in connection with Aurai P.S. Case No. 101 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

