

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38863 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- LAURIA District- West Champaran

CHANDAN KUMAR SAHANI S/O SRI BIKRAM SAHANI @ VIKRAM
SAHANI Resident of village- Nandpur, P.S.- Shikarpur, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 20-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Lauriya P.S. Case No. 92 of 2022 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, truck bearing Registration
No. UP-56AT-3488 loaded with different brands of cold-drink
were stolen by some unknown miscreants.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.04.2022. Petitioner bears no
criminal antecedent. Charge sheet has already been submitted in



the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. Name of the present petitioner has been surfaced upon the confessional statement of co-accused Kundan Kumar and others. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. One mobile was recovered which belongs to the petitioner himself. No T.I.P. has been made as yet. Learned counsel further submits that co-accused Anil Kumar has already been granted bail vide Cr. Misc. No. 36125 of 2022 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner, nothing incriminating has been recovered from the conscious possession of the petitioner, co-accused has already



been granted bail and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Bettiah, West Champaran in connection with Lauriya P.S. Case No. 92 of 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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