

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43004 of 2022

Arising Out of PS. Case No.-44 Year-2021 Thana- KHAJANCHI HAT District- Purnia

KUNDAN SAHNI Son of Suresh Sahni Resident of Village - Sindhiya
Diwanganj, Sahni Tola, P.s.- Sadar (Mufassil), Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal
For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 31-01-2023 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 K.Hat
(Sahayak) P.S. Case No. 44 of 2021 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, two unknown persons on
gun point tried to snatch three bags carried by the informant's
son containing around 326 gram gold jewellery. It is alleged that
the informant's son threw the said bag containing gold jewellery
which was grabbed by motorcycle rider.

Learned counsel for the petitioner submits that
petitioner is not named in FIR. The name of the present



petitioner has been surfaced upon the confessional statement of co-accused Suman Kumar Sahni @ Chhotu. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Co-accused Suman Kumar Sahni upon whose confessional statement the name of the present petitioner has been surfaced in this case, has already been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 41269 of 2021 and the case of present petitioner stands more or less on similar footing. No incriminating article or looted gold has been recovered from the possession of the petitioner nor from the house of the petitioner. No T.I.P. has been conducted uptill now. Learned counsel for the petitioner submits that petitioner is in custody since 28.03.2022 and bears criminal antecedent of three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, period of custody, co-accused has already been granted bail by co-ordinate Bench of this Court, charge sheet has been submitted in the case and there is no likelihood of tampering



with the prosecution evidence, 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 bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Purnea in connection with K. Hat (Sahayak) P.S. Case No. 44 of 2021, 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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