

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45407 of 2022

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

RATNESH SAHANI Son of Yogi Sahani R/v- Nandpur Diulia ward no. 4,
PS- Shikarpur, Dist- west Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Kant, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 01-02-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Lauria PS case no. 92 of 2022 instituted for the offences
punishable under Section 392 of the Indian Penal Code.

The case of the prosecution in brief, according
to the informant, is that on the alleged date and time of
occurrence, a cold drink laden truck in question had reached
Prabhu Chowk, where the driver of the said truck had gone
for drinking tea and in the meantime, one person had arrived
there and taken lift from the informant and had then sat on the
truck, whereafter the informant and the said person along with
the truck in question had reached near the petrol pump in



question and there, 3-4 miscreants, travelling in a Maruti car had intercepted the truck in question, whereafter they had tied the informant, assaulted him and taken him in their car while some of the unknown miscreants had taken away the truck in question. It is also alleged that subsequently, the informant was made to alight from the Maruti car near the Paharpur Police Station and then the said miscreants had fled away.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. The petitioner is said to be an accused in one another case but he is on bail in the said case and he is languishing in custody since 18.04.2022. The learned counsel for the petitioner has further submitted that neither the petitioner has been put to test identification parade so as to connect him with the alleged crime nor the stolen truck has been recovered from the petitioner. It is also submitted that similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide orders dated 20.09.2022 and 21.09.2022, passed in Cr. Misc. no. 36125 of 2022 and Cr. Misc. no. 36876 of 2022, respectively.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by a co-ordinate Bench of this Court apart from the fact that neither any test identification parade has been held so as to connect the petitioner with the alleged crime nor the stolen truck has been recovered from the possession of the petitioner, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of AC.J.M. 1st, Bettiah, West Champaran in connection with Lauria PS case no. 92 of 2022.

(Mohit Kumar Shah, J)

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