

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46033 of 2022**

Arising Out of PS. Case No.-36 Year-2022 Thana- HASANPUR District- Samastipur

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ARVIND SAHANI @ ARBIND KUMAR SAHANI @ ARVIND KUMAR
SAHNI SON OF TARUN SAHNI @ TARUN SAHANI R/O VILLAGE-
HARIPUR GHAT, P.S.- KHANPUR, DIST.- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 19-01-2023 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

Hasanpur P.S. Case No. 36 of 2022(G.R. No. 128 of 2022),

registered for the offences punishable under Sections 392 and

411 of the Indian Penal Code and later on sections 395 and 412

of the Indian Penal Code.

As per prosecution case, four unknown miscreants

on two motorcycles surrounded the informant's motorcycle and

snatched his mobile, cash amounting to rupees nine thousand

and thirty eight, courier articles and motorcycle bearing chasis



number MD2A11CX6MRG15621 and engine number DHXRMG-91653. It is further alleged that all miscreants were talking in local language and informant claims to identify all of them.

Learned counsel for the petitioner submits that petitioner is in custody since 16.03.2022 and bears criminal antecedent of four cases in which he is on bail in three cases. He further submits that petitioner is quite innocent and committed no offence as alleged in the FIR. He further submits that looted motorcycle has not been recovered from the conscious possession of the petitioner rather the alleged motorcycle in question was recovered in front of the house of the petitioner which was parked beside the road. He further submits that no TIP has been conducted uptill now. He further submits that co-accused Ram Kumar has already been granted bail vide Cr. Misc. No. 58267 of 2022 by a co-ordinate Bench of this Court.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner referring that case of co-accused Ram Kumar is totally different from the case of present petitioner as disclosure was made by present petitioner and on the basis of said disclosure the alleged motorcycle in



question was recovered from the house of the present petitioner.

Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner, case of present petitioner is quite different from the case of co-accused Ram Kumar as on the basis of disclosure made by present petitioner recovery was made as well as material available on record, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

However, the learned trial court is directed to conclude the trial within nine months from the date of receipt/production of copy of this order. If the trial is not concluded within the stipulated period of time, petitioner may renew his prayer of bail.

(Alok Kumar Pandey, J)

vashudha/-

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