

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48143 of 2023

Arising Out of PS. Case No.-24 Year-2022 Thana- TAJPUR District- Samastipur

1. Sharvan Sahni @ Shravan Sahni Son Of Shiv Shankar Sahani Resident Of Village - Peyarpur, Ward No.7, P.S. - Baligaon, District -VAISHALI, Bihar
2. Arvind Sahni @ Arbind Sahni Son Of Shiv Shankar Sahni Resident Of Village - Peyarpur, Ward No.7, P.S. - Baligaon, District -VAISHALI, Bihar

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Kumar, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 14-09-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 30.05.2022 and 31.05.2022 respectively in connection with Tajpur P.S. Case No. 24 of 2022, F.I.R. dated 20.01.2022 for the offences punishable under Section 392 of the Indian Penal Code.

3. According to prosecution case, petitioners are alleged to have looted a bag, having Rs. 1,35,366/- from the possession of the informant.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in



the present case. He further submits that the petitioners are not named in the F.I.R. and their name have been transpired on the basis of confessional statement of co-accused person, namely, **Umesh Kumar**. He further submits that except the confessional statement of the co-accused person, no other cogent material has come during the investigation to suggest the involvement of the petitioners in the present occurrence and till date, no T.I.P. has been conducted against these petitioners. He further submits that similarly situated co-accused person, namely, **Umesh Kumar**, whose name has also come on the confessional statement of the co-accused person, has been granted bail vide order dated 30.06.2022 by the learned Court below itself. He further submits that the police after investigation submitted the charge sheet against these petitioners. The petitioner no.1, namely, **Shravan Sahni @ Shravan Sahni** is in custody since 30.05.2022 and petitioner no. 2, namely, **Arvind Sahni @ Arbind Sahni** is in custody since 31.05.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that it has been mentioned in Paragraph No.- 43 of the Case Diary which suggests that the similar nature of allegations were found near the place of the occurrence. Apart from the



aforesaid facts, petitioner no. 1, namely, ***Shravan Sahni @ Shravan Sahni*** carries ten cases other than the present and petitioner no. 2, namely, ***Arvind Sahni @ Arbind Sahni*** carries nine cases other than the present one but fairly submits that on the basis of supplementary affidavit filed on behalf of these petitioners, in out of ten cases, petitioner no. 1 is on bail in nine cases and out of nine cases, petitioner no. 2 is on bail in six cases.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate – Ist, Samastipur, in connection with Tajpur P.S. Case No. 24 of 2022, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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