

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49960 of 2023

Arising Out of PS. Case No.-182 Year-2023 Thana- MADHUBAN District- East Champaran

SIKINDRA SAHANI SON OF INDAL SAHANI R/O-BAHUARA BHAN,
P.O.-BAJITPUR, P.S.-MADHUBAN, DISTT.-EAST CHAMPARAN,
MOTIHARI, BIHAR-845420

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-08-2023 Heard Mr. Akshay Ashish, learned Counsel for the
petitioner and Mr. Bharat Bhushan, learned APP for the State.

The petitioner is an accused in connection with
Madhuban P.S. Case No. 182 of 2023 registered for the offences
under section 379 of the Indian Penal Code lodged on
22.04.2023 by the informant, Shyam Sundar Bhagat.

As per the prosecution story, the informant alleged
that on noise, he came out of his home and found the accused
persons named are taking away the motorcycle. Accordingly, the
FIR.

The submission of the petitioner is that the alleged
occurrence took place on 04.04.2023 and the FIR was lodged 18
days later on 22.04.2023 which clearly shows that for ulterior



motive, the accused persons including the petitioner have been implicated. The last submission is that he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail but concedes that there is delay in lodging of the FIR.

Considering the said submissions put forward by the learned Counsel for the petitioner, delay in the lodging of the FIR, he is in custody since 10.05.2023 (as stated in paragraph 11 of the bail application) and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran in connection with Madhuban P.S. Case No. 182 of 2023, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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