

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56402 of 2022

Arising Out of PS. Case No.-139 Year-2010 Thana- KESARIA District- East Champaran

Shivnath Sahani Son Of Late Tila Sahani Resident Of Village - Hussanpur
Naya Tola, P.S.- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 21-03-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 395, 364(A) of the Indian Penal Code.

The prosecution case as per F.I.R is that on
10.08.2010 at about 10:00 P.M in the night, the
informant was sleeping in his house after taking meal. In
the meantime, at about 2:30 A.M in the night, four
unknown miscreants came there and on the point of
weapon, demanded money from the informant and on
his expressing inability, one of the criminals took out the



grandson of the informant and fled away. They also took away four mobiles and gold jewellery with them.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner was not named in the F.I.R and his name subsequently sprang up on the basis of confessional statement of co-accused Ravindra Singh. Nothing was recovered from the conscious possession of the petitioner. The petitioner has been remanded in this case from Motipur P.S. Case No. 09 of 2013 in which he was in judicial custody since 10.01.2013.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

It appears that vide order dated 20.02.2023, a report with regard to the present stage of the case was called for. The report of learned Judicial Magistrate, 1st, Class, Sadar, Motihari dated 28.02.2023 suggests that



charges have still not been framed in the matter.

Considering the fact that petitioner was not named in the F.I.R and no concrete material has come against the petitioner during investigation, let the petitioner, above named, be released on bail after framing of the charges and on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran/concerned court in connection with Keshariya P.S. Case No. 139 of 2020(Trial No. 2101 of 2018).

(Sunil Kumar Panwar, J)

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