

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60657 of 2022

Arising Out of PS. Case No.-238 Year-2020 Thana- GAIGHAT District- Muzaffarpur

RAM SAHNI, Son of Nunu Sahni, R/O Village - Bhatauna, P.S.- Karza,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 30-01-2023 Heard learned counsel for the petitioner and learned APP
for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Gaighat P.S. Case No. 238 of 2020 registered under Section 392 of the Indian Penal Code.

Three persons have overtaken the informant while he was transporting some cows in a vehicle. They have taken away the vehicle, the cows being transported, cash, mobile phone, etc., at gun point.

Learned counsel for the petitioner submits that FIR is against unknown persons and from narration it is obvious that the



informant would be in a position to recognize the perpetrators. Petitioner, however, has not been put on T. I. parade. One co-accused Pappu Sahni was arrested in connection with Simari P.S. Case No. 167 of 2020. He has stated the petitioner's name. Other than such unreliable statement of co-accused in police custody, there is no material to connect the petitioner with the instant case. Alleged recovery of the informant's mobile is denied and disputed. It is submitted that the same is not in accordance with law. The petitioner has also been implicated in Simari P.S. Case No. 167 of 2020 at the instance of statement of the said Pappu Sahni. He is in custody since 20.06.2022.

Learned APP has opposed the prayer for bail. It is submitted that there is recovery of mobile phone from the petitioner's possession.

Considering the rival submissions, the manner of petitioner's implication, period of custody and the fact that investigation is complete, this Court is inclined to allow the prayer for bail of the petitioner.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Muzaffarpur in Gaighat P.S. Case No. 238 of 2020, subject to the following conditions:-



- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Sumit/Shashank-

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