

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.67809 of 2022**

Arising Out of PS. Case No.-25 Year-2022 Thana- NAGAR District- Vaishali

Gandhi Sahni S/o Late Lal Bahadur Sahni R/o Village- Talghara, P.S.- Sarai,  
Distt- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Namrata Mishra, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      14-03-2023                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Hajipur  
Town P.S. Case No. 25 of 2022 registered for the offence under  
Section 395 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in  
custody since 19.01.2022.

The allegation against the petitioner is to commit  
dacoity alongwith other co-accused persons in CSP (SBI) center,  
Konhara Ghat, Hajipur and while committing so taken away  
cash of Rs. 77,410/-, one micro finger scanner, data cable,  
passbook of ten customers, passbook of CSP worker, Vicky



Kumar, Aadhar Card, Pan Card and Voter Card etc.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in this case on the basis of disclosure made by co-accused persons, namely Manish Kumar and Shyam Babu, in furtherance of which petitioner was apprehended in present case, subsequently, in furtherance of confessional statement two passbooks of customer were recovered from an open place as stairs constructed to 'Butan Das Ghat' as per seizure list. It is also submitted that said seizure was made at 01:30 PM and there is all probability to visit that place by several persons and as such it cannot be said that the alleged recovery is made in furtherance of confessional statement to connect petitioner with present set of occurrence. It is also pointed out that the seizure list appears doubtful being not supported by independent witnesses, rather by police personnels. Learned counsel further pointed out that petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP, while opposing the prayer of bail submitted that petitioner is named in F.I.R. and actively participated in present occurrence but fairly conceded the fact that recovery of alleged passbooks was made from an open place, which is accessible by general public.

Considering the facts and circumstances as mentioned above, as recovery of alleged passbooks was made from an open place, which is accessible by general public, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Hajipur Town P.S. Case No. 25 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Archana/-

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