

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 71136 of 2023**

Arising Out of PS. Case No.-57 Year-2021 Thana- SURSAND District- Sitamarhi

SHIBU SAHANI Son of Ravindra Sahni @ Rabindra Sahani R/o vill -  
Sursand Ward no. 7, P.S. - Sursand, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      08-12-2023

Heard the parties.

2. The petitioner is in judicial custody in connection with Sursand P.S. Case No. 57 of 2021 registered under section 395 of the Indian Penal Code lodged on 04.02.2021 by the informant, Satyanarayan Jha.

3. As per the prosecution story, the informant alleged that five miscreants entered his house and took away their belongings which included cash, silver articles and utensils worth Rs. 1 lakh. The further allegation is that when they protested, they were threatened with dire consequences. Accordingly, the FIR.

4. Earlier the case of the petitioner was heard and rejected on 17.05.2022 vide Cr. Misc. No. 59880 of 2021.

5. Again, a fresh application has been preferred



whereafter a report was called for, which has since been received vide Letter no. 72 dated 23.11.2023 according to which charge has been framed but not a single witness has been examined.

6. Taking into account the aforesaid fact as also that there is no chance of conclusion of trial in near future, he is in custody since 19.06.2021 and he will be diligently appearing in trial as undertaken by the learned counsel for the petitioner, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge XV, Sitamarhi/Competent Jurisdiction, in connection with Sursand P.S. Case No. 57 of 2021 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/her 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 month till the conclusion of the trial to mark his 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 the 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

**(Rajiv Roy, J)**

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