

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73085 of 2022**

Arising Out of PS. Case No.-87 Year-2019 Thana- MUSAHARI District- Muzaffarpur

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DEVLAL SAHNI @ DEVLAL S/o Shivilal Sahni R/o Village- Chhoti,
Kothiya, P.S.- Mushari, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 19-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.05.2019 in connection with Mushari P.S. Case No. 87 of
2019, F.I.R. dated 24.03.2019 for the offences punishable under
Section 394 of the Indian Penal Code but the police submitted
the charge sheet under Section 392 of the I.P.C.

Allegation against the petitioner and other co-accused
persons is that they snatched the key of the motorcycle and
other articles from the informant on pistol point and also
assaulted him.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner is not named in



the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Sriram Sahani. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Abhishek Kumar, Mukesh Sahni and Sri Ram Sahni @ Sri Ram Sani have been granted bail by a co-ordinate Bench of this Court vide orders dated 18.12.2019, 25.11.2020 and 04.12.2019 passed in Cr. Misc. No. 84170 of 2019, Cr. Misc. No. 29644 of 2020 and Cr. Misc. No. 79179 of 2019. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 21.05.2019.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries seven criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Mushahri P.S. Case No. 87 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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