

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72951 of 2022

Arising Out of PS. Case No.-182 Year-2022 Thana- PIYAR District- Muzaffarpur

SHYAM SAHANI S/o Umesh Sahani R/o Village- Malinagar, P.S.-
Chakmehshi, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
24.08.2022 in connection with Piyar P.S. Case No. 182 of 2022,
F.I.R. dated 22.08.2022 registered for the offence punishable
under Sections 393,398,307 of IPC and Section 27 of Arms Act.

The prosecution case, in short, is that the informant
alleged that on 22.08.2022, he came towards Piar Chowk and he
had an amount of Rs.Three Lakhs of the Bank in the meantime
three accused persons boarded on a motorcycle restraint him on
the point of pistol and also fired on him, one of the accused
persons assaulted by butt on his head and they robbed Rs. Three
Lakhs. However, petitioner snatched the key of motorcycle then
accused persons tried to flee however apprehended by the



villagers.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. Further submits that it appears from the FIR that at the time of lodging of the FIR, the seizure list was not prepared by the prosecution agency and after that, the seizure list was prepared at 16.55 P.M. but the present FIR has been instituted at 15.35 P.M. Further submits that nothing has been recovered from conscious possession of the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 24.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid fact, 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 learned Judicial Magistrate, 1st Class, (East) Muzaffarpur in connection with Piya P.S. Case No. 182 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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